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From Theory to Practice

How to Assess and Apply Impartiality in News and Current Affairs

Edited by Leon Barkho

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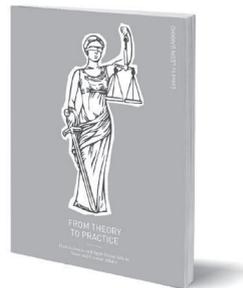
From Theory to Practice is the first scholarly look at the possibilities and challenges of impartial and objective journalism in our digitized media world. This volume brings together contributions from editors at premiere news outlets, such as Reuters and the BBC, to discuss how to assess, measure, and apply impartiality in news and current affairs in a world where the impact of digital technologies is constantly changing how news is covered, presented, and received.

In this changing media environment, impartial journalism is as crucial as it ever was. *From Theory to Practice* offers an essential analysis of how to navigate a media milieu in which technology has sharply reduced the gatekeeping role news-gatherers and producers used to have in controlling content flow to audiences.

Leon Barkho is associate professor in media and communication science at Jönköping University, Sweden.

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EDITORIAL

SALLY BROUGHTON MICOVA

This third and final issue of 2015 begins with a special section that is intended to reflect on the quarter of a century of so-called transition in the countries of the former communist Eastern Europe and the successor states of Yugoslavia. It was inspired by a conference entitled '25 Years After: The Challenges of Building the Post-Communist Media and Communications Industries' organized in November 2014 at the New York University in Prague by a coalition of partners that now make up the Prague Media Point. Parallel to the massive technological and other changes in television and what we now call audiovisual media services over the last two and a half decades, the media systems in these countries have also faced political upheavals, rapid privatization and liberalization of their markets, and complete overhauls of the legislative frameworks governing them. The late esteemed scholar Karol Jakubowicz once wrote that the transition in this part of Europe would be over when the media systems of the east resembled those of Western Europe. He did not deny the problems of commercialization, erosion of public media, and of the increasing financial insecurity facing Western European media systems. He simply defined the end of transition in the east as the moment only those problems remained, without the additional ones that he saw stemming from the single party communist past.

Regrettably, as one can see from the articles in this special section, many of the problems that Jakubowicz associated with the state of transition persist, and are still crucial topics for scholarly investigations. For good reason there is still concern about the independence and effective functioning of national regulators and the transformation of formerly state owned broadcasters. Like those included in this issue, many scholars continue to examine public institutions, legal frameworks and Europeanization processes in an effort to understand the roots of the problems they continue to observe in their media systems. One theme stands out as a fundamental element of this state of transition: political will, or more precisely the lack of will on the part of political elites to resist trying to control the media.

Krisztina Rozgonyi and Gabor Polyak start off this issue with an examination of the work of the Hungarian audio-visual media regulator, the Media Council. Building on previous work that established indicators for measuring formal and informal independence, Rozgonyi and Polyak bring in the concept of accountability as complement to independence. They look at outcomes and consequences of regulatory action in the context of the principal-agent relationship between the state and the regulator and those to whom the regulator should be accountable, rather than just the condition of independence for the media regulator's functioning. This contribution should inspire us to think about regulation, independence and accountability – the relationship between the state, the regulator and the public/stakeholders. The authors present findings that show significant problems with the Hungarian regulator's level of transparency and responsiveness to the public, and its treatment of players in the market. They also go further proposing ways to measure accountability and regulatory performance and making concrete recommendations for European media policy.

The next two articles deal with the transformation of public service broadcasting. The process of converting formerly state-controlled broadcasters into modern public service broadcasters across the region has been a great challenge and has been much more than an issue of upgrading technology or reorganizing institutions. Katerina Spasovska and Iveta Imre compare the transformation of public service broadcasting in Croatia and Macedonia thus far looking specifically at the consequences of the multiple changes to the legal frameworks for the broadcasters over time. Their accounts provide clear evidence for some of the ways political elites used media law changes to solidify influence over the public broadcasters, despite these laws being ostensibly in line with the European standards sought in the EU accession processes in which both countries were engaged. Davor Marko's account of the transformation of Serbia's public broadcaster RTS also gives evidence of political manipulation and a struggle for independence, but is somewhat more optimistic. Marko's piece investigates the role of international assistance in RTS's transformation. International assistance for public broadcaster reform or other media development initiatives were common throughout the former Yugoslavia after the conflicts. While Marko argues that transformation will take more time because of the political culture and that the effectiveness of assistance has been limited because of a lack of coordination and strategic planning at various times, he appears optimistic that the technological advancement and 'empowerment of management' made possible by international support, and training will help RTS make progress.

In the first of the two commentaries that are part of this special section, Indrek Ibrus offers a positive alternative to the stories of political influence and struggling transformation by suggesting that public broadcasters in the region should be treated as coordinators of innovation in the audio-visual sector. He draws on the situation in Estonia, which is known for being advanced in terms of ICT use and e-services, and argues that particularly in small countries like most of those in Central and Eastern Europe, policy and remits for public broadcasters can serve an important role as drivers of innovation and creation where the small markets otherwise lack such drivers. In the second commentary Igor Micevski and Snezana Trpevska highlight another problem facing small media markets in the region, that of close ties and financial dependency on political elites. They argue that in their country of Macedonia, there has been a complete 'colonization' of the media by the ruling political parties and

back up their claims with evidence from a series of recently release recordings of phone conversations involving government ministers, media figures and others. The last piece in this special section is a conference report from the 8th Central and Eastern European Communications Conference (CEECOM) that took place in June 2015 in Ljubljana Slovenia. Zrinjka Peruško reports on what can be considered the cutting edge of media scholarship in the region, sharing how the future of journalism in the digital environment and the changing tools and methods of political communication were popular themes.

In addition to the special section, this issue contains two more fascinating articles as well as two Book Reviews that were organized by our Book Reviews Editor Tom Evens. The first article by Leighton Evans, Yan Wu and Elain Price presents results from an extensive study conducted among deaf and hard-of-hearing audiences in Wales. The authors find that subtitling remains problematic for this population even after migration to digital television and argue that there is much that needs to be done to improve the interface of such services, especially for older people. It is a very useful piece for those working to ensure that broadcasting meets the needs of vulnerable or disadvantaged segments of the population. The second article relates to another disadvantaged public, the population of the small African nation of Lesotho. As author Leboli Zachia Thamae explains, with its small population of just over two million and struggling economy Lesotho's broadcasting sector is weak and appears to be ill-served by the policy-makers responsible for digital switchover. Lesotho gained a slight reprieve by the fact that South Africa, which surrounds it, also missed the July 2015 deadline for analogue switch-off. However, Thamae warns that the tiny country is at risk of effectively losing its free to air television provision if it does not prepare for switchover and offers policy-makers some suggestions as to how to do so better that other countries might also learn from.

The articles in this issue have inspired me to reflect more thoroughly on the role television should play in society and how it should be serving various publics as well as the conditions that might be needed in order for it to effectively play that role. I hope you enjoy this issue and are similarly inspired.

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The Independence of the Media and its Regulatory Agencies

Shedding New Light on Formal and Actual Independence against the National Context

Edited by Wolfgang Schulz, Peggy Valcke, and Kristina Irion

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Media independence is vital for democracies, and so is the independence of the regulatory bodies governing it. The *Independence of the Media* and its Regulatory Agencies explores the complex relationship between media governance and the independence of media regulatory authorities within Europe, which forms part of the wider framework in which media's independence may flourish or fade.

Based on research in more than 40 countries, the contributions analyse the independence of regulators and draw links between social, financial, and legal frameworks.

Wolfgang Schulz is professor of law and director of the Hans Bredow Institute at the University of Hamburg, Germany. Peggy Valcke is research professor at the University of Leuven, Belgium. Kristina Irion is assistant professor in the Department of Public Policy and research director in public policy at the Central European University in Budapest, Hungary.
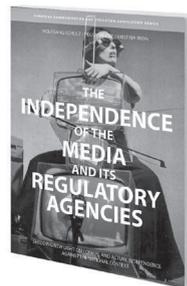
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Monitoring media regulators' independence – Evidence-based indicators, Hungarian experience

ABSTRACT

It is commonly accepted that the independence of media regulators is essential for ensuring the legitimacy of implemented policies and achieving the objectives of media regulation. However, recent literature has also pointed to the need to consider how accountability of these institutions could and should be provided in the framework of democratic governance mechanisms. In this article we identify three key areas of regulatory performance of media authorities that relate to their accountability to the subjects of regulation and the public. We present our findings in the case on Hungary assessing transparency of the regulator's work, tendencies in access to market and sanctioning practices based on an extensive review of the regulator's actual work and decisions. In conclusion we reflect on the function of these areas as indicators in the context of the principal-agent relationship and propose the introduction of enforceable normative criteria in European audio-visual media policy.

KEYWORDS

media regulation
'principal-agent
 theory'
Hungary
European Union
regulatory
 independence
democratic deficit
INDIREG

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1. See for example the German Constitutional Court's decision BVerfGE 57, 295 of 1981; the French Conseil Constitutionnel decision no. 88–217 from 17 January 1989; and the Hungarian Constitutional Court's decision 37/1992. (VI. 10.) AB of 1992.

2. Decision of the German Federal Constitutional Court Nr. BVerfGE 7, 198.

3. Decision of the European Court of Human Rights Informationsverein Lentia and Others v. Austria, 24 November, 1993.

INTRODUCTION

'Member States shall guarantee the independence of national regulatory authorities and ensure that they exercise their powers impartially and transparently' – this was the obligation regarding the national regulation of the regulatory authorities that the European Commission (EC) formulated in its first proposal (European Commission 2005) for the Audiovisual Media Services Directive (AVMSD). However, when the directive was adopted in 2007, the reference to guaranteeing the independence of the regulatory authority was gone and instead it was assumed that the implementation of the provision in member states would be carried out through 'their competent independent regulatory bodies' (Council of European Communities 2010: art. 30). This was a noticeable difference from the way independence is dealt with in EU legislation for telecommunications regulators (Council of European Communities 2002) or data protection supervisory authorities (Council of European Communities 1995).

At the national level the requirement of the independence of media regulators appeared in European legal regulations considerably earlier than the same requirement with regard to regulatory bodies in other sectors, in what De Somer (2012) describes as a bottom-up process, stemming from interpretations of what was seen as necessary to ensure free and pluralistic media.[1] In its 1958 Lüth decision that the German Constitutional Court first put forth the notion that 'the fundamental rights provisions of the Basic Law [the German *Grundgesetz*] embody an objective system of values which are applicable to all areas of law as general principles guiding all constitutional decisions'.[2] This imposes an obligation on the state 'to create a legal framework in which a free and open process of public and private opinion-making is possible' (Schulz 2014). The European Court of Human Rights later ruled that it is the constitutional obligation of the state as 'the ultimate guarantor' of the pluralistic media system to create the organisational organizational and procedural framework that fosters the existence of a free and diverse media system.[3] Independent regulatory authorities can be seen as the mediating institutions for discharging a state's responsibilities, but in so doing they must at the same time exclude direct governmental and political interests from decision making.

Nevertheless, these requirements do not suggest an absolute independence for the authority that would run counter to the needs of democratic legitimacy and accountability (Schulz 2014). This implies an accountable relationship with those regulated, the media companies in the market and the public. A free and diverse media system can emerge only if the players can rely on equal treatment by the authority, from market entry criteria to how infringements of the law are assessed, and as Reinemann (2002) has pointed out there is a difference between formal nondiscrimination under law and an actual equal opportunities approach in practice.

In 2010 and 2011 a comprehensive cross-national study of the independence of the regulatory authorities across Europe was commissioned, charged with regulating audio-visual media services, covering television and on-demand or subscription services similar to television (INDIREG Report 2011). This study, which was called INDIREG Report, identified stark differences in many cases, particularly in Central and Eastern Europe (CEE), between the apparent independence in the legal set-up of these regulators and how independent they actually were in terms of their governance and operation. This was an excellent empirical starting point for understanding the function

of independence in media regulation, and in this article we take further this work in the direction of accountability. Based on understandings of the function of accountability (Spyrelli 2003) and the role of the regulator rooted in principal-agent theory (Jensen and Meckling 1976; Moe 1984; Bendor, Glazer and Hammond 2001), this article tests ways of assessing media regulators' function beyond independence. Using the case of Hungary we examine the transparency of operation, market entry procedures and sanctioning practices through a review of the work and decisions of the Hungarian regulator between 2011 and 2014. Based on this we develop these areas as indicators of accountability and argue that such indicators should be considered along with the recommendations of the INDIREG Report by both national governments and European policy-makers to ensure audio-visual media regulators are contributing to democratic and pluralistic media.

'INDEPENDENCE' AND ACCOUNTABILITY

Clear trends within the EU – especially in the utilities sectors – during the last decade are recognizably assigning direct enforcement powers (Scott 2000) and even policy-making powers (Maggetti 2009) to independent regulators. Since the objectives in these sectors focused on fostering investment while providing for a sound basis of insulating the institutions from political influence, trends were accompanied by a tendency towards greater formal independence. However, the enhanced insulation has resulted in an increased complexity of their accountability and raised several concerns as to the appropriate design of governance and optimal accountability structures.

While acknowledging the role and significance of 'independence', one can also consider how the 'accountability', defined by Scott (2004:40) as 'the duty to give account for one's actions to some other person or body", of these institutions could and should be provided in the framework of democratic governance mechanisms. In his exploration of existing models, Gilardi (2008) refers to the notion of democratic accountability. He highlights interdependencies among the actors involved in regulation with the aim to ensure the necessary checks and balances, and also admits lacking consensus on the diagnosis and the remedies of undemocratic operations of independent regulators. Busuioc (2009) argues that it is possible for accountability and independence to coexist, while distinguishing between ex ante (statutory provisions), ongoing (direct influence) and ex post (accountability) controls. He concludes that ongoing control is the only type of control that is not reconcilable with independence.

Accountability is not just an issue of controls and checks but is also an issue of 'legitimacy' and the 'credibility' of regulators. Research has shown that accountability structures in the form of 'transparent, open and participatory regulatory working-methods, strong implementation and enforcement mechanisms and the appropriate legal safeguards, such as appealing processes' (Spyrelli 2003: 2) are necessary to avoid political capture and to sustain the legitimate character of regulators.

Accountability debates in contemporary political and legal discourse (Majone 1994, 1998, 1999; Scott 2000; Gilardi 2002, 2005, 2008; Busuioc 2009; Maggetti 2009, 2010; Gilardi and Maggetti 2011; Puppis and Maggetti 2011) and in multinational debates (OECD 2005, 2010, 2012) raise the important question: how do we balance and align the independence of media regulators with critical accountability requirements? The research we present here contributes

to these debates by investigating ways of measuring accountability, but the starting point for this is in locating where the expectations of accountability arise from and to whom media regulators are accountable.

Delegation and 'principal-agent' approaches

The principal-agent model (as an economics and institutional theory it has emerged in the 1970s see Jensen and Meckling 1976; Moe 1984; Bendor et al. 2001; as a concept analysed in relation to governance structures and formal control mechanisms see Pollack 1997; and as an European governance matter see Magnette 2005) provides a useful way of thinking about the relationship between the state and an audio-visual media regulator or more generally audio-visual media governance in any national context. In this model a principal delegates a special task to a designated agent who is in possession of the necessary resources (expertise, time, assets etc.), and requests the execution of the task for an agreed-upon remuneration. The principal-agent model is definitely among the most widespread concepts also within political science (Gilardi and Braun 2002) and in the regulatory theories (Gilardi 2008) describing the specific nature of the relations between the state, the government and public agencies. The 'principal-agent theory' is also applied and recognized in audio-visual media governance.

Irion and Radu (2013) have already pointed to the complexity of applying this model to audio-visual media regulatory authorities, and have also highlighted the differences as compared to economic regulation. 'Independence' in Irion and Radu's interpretation is not only a rational choice in terms of the principal's decision to provide the agent with professional autonomy but implies critical political values as well. They argue that since the 1980s the creation of independent regulatory authorities has emerged as the leading institutional choice for audio-visual media governance in Europe, based on this model of delegating authority and responsibility from the state.

The 'delegation' to these independent institutions constitutes several problems, and Gilardi (2008) recognizes patterns in those problems. He argues that in the case of independent regulatory agencies, the core principles of delegation are systematically and deliberately violated, as agents are not 'allied' with the principal; thus to keep political control away, they have different preferences. This also means that 'independence' from the principal may disable extensive oversight mechanisms and thus takes away the means of the principal to influence the agent in the execution of the delegated tasks. In his view, standard delegation concepts are not applicable to independent regulators, and Gilardi (2008) offers at least three alternatives: increased credibility, lessening the effects of political uncertainty and, with more veto players in the institutional context, enhanced policy stability via independence.

Independent institutions such as media regulators adhere to complex organizational, societal and professional norms of governance. Intensified research on 'public accountability' within this context has also focused on outcome-oriented standards (Bovens, Goodin and Schillemans 2014: 12), on specified accountability requirements as 'frame of references' (Scholten 2014a: 294) and on 'accountability quality' (Scholten 2014b) referring to democratic controllability, good governance, effectiveness and efficiency. The notion of outcome-oriented standards for accountability can be linked directly to the obligations and authority for implementing regulation that has been delegated by the principal state to the regulatory authority as the agent.

Principal-agent theory and democratic deficit: Why 'accountability' matters?

Delegation to independent agents and the accountability of the agent, as crucial matters of media governance, raise far-reaching questions concerning the democratic legitimacy of these institutions. With the 'rise of the regulatory state in Europe' (Majone 1994: 76), we have witnessed a shift from the positive and interventionist state to modern regulatory governance embodied by the emergence of independent regulatory bodies, which has also drawn special attention to the tensions between the independence and accountability of these agencies. The new form of the regulatory state relies heavily on delegation of powers to independent institutions, but this has given rise to new problems of the lack of majoritarian legitimization (Majone 1999; Maggetti 2010). This is the problem of the potential democratic deficit in media governance. Governance in this aspect refers to the process of decision making about the media, and the legitimacy of the procedures, formal and informal structures (Sarikakis 2011), and because of the lack of direct legitimacy through election or similar democratic process, it is heavily dependent on the trust of citizens in the institutions.

In this respect, our interest in whether and how independent agents should be held accountable for their performance has a broader focus and further consequences: could the strengthening of accountability structures (Majone 1999) provide for better founded legitimacy in a democratic state?

TAKING FURTHER THE MEASUREMENT OF 'INDEPENDENCE'?

Our study aims to build on the work of the INDIREG Report, which was at the time of our writing the most comprehensive cross-national study of audio-visual regulators in Europe. We therefore make use of some of the terminology established by the multinational team of researchers who were part of the study; we accept its categories, and make attempt to complement it. The INDIREG Report defined independence as a position that enables the regulator to meet 'the normative requirements for which the independence of the regulator is called for' (INDIREG Report: 46), which one can see as being derived from its role as the agent with delegated obligations and authority. The study also identified two categories of independence: de jure, or formal independence, and de facto or actual independence. It developed extensive indicators for measuring these two categories.

De jure independence

The formal guarantees, which 'refer to legal provisions' (INDIREG Report: 49), have a rather limited impact on a political environment when the primary considerations in selecting the leaders of the regulatory authority are not professional but political, and where those executives selected primarily interpret their responsibilities in political rather than professional terms. While it is relatively easy to take stock of formal/legal guarantees, and to subject them to constitutional review, it is difficult to uncover whether the authority's operations are impartial, and what informal factors influence the application and effectuation of statutory regulations. Moreover, the assessment of these factors is necessarily subjective, especially since there are no widely accepted methods available to this end. In the absence of such methods, expert analyses on questions, for example, whether the budget available is commensurate

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with the responsibilities that the authority needs to perform, or to what extent the decision-making body leaves it up to the administrative apparatus to come up with the substance of the decisions, will yield few results that can be easily subjected to comparative expert analyses.

Among the formal conditions of independence, Gilardi (2008) references the legal status of the official in charge of the media authority and of the members of the institution's executive board, its relations with government and parliament, its financial and organizational autonomy, as well as its regulatory competencies. At the same time, Mutu's analysis points to the weakness of formal guarantees of independence; as his research reveals, regulations tend to provide the greatest level of formal independence precisely in those countries where actual independence is subject to the greatest challenges (Mutu 2014). In some countries, the lack of stronger formal guarantees is compensated by 'a strong culture of independence' (Jakubowicz 2012).

De facto independence

According to the INDIREG Report, de facto independence can differ from the normative concept of independence in two ways: in terms of lacking compliance and in terms of informal means of influencing or, for that matter, even of safeguarding independence. Legal guarantees can be overridden or circumvented in a variety of ways, starting with the actual professional expertise of decision makers, over changes in the authority's budget deliberately aimed at blackmailing the institution, all the way to direct instructions given to the authority's decision makers. This informal environment determines whether on the whole the applicable formal guarantees will be allowed to prevail, and it will thus also have a decisive influence on the quality of the work performed by the authority.

The need for new indicators

Basically, both de jure and de facto indicators provide information about the preliminary conditions of independence. They try to define the circumstances under which the regulatory authority is able to function while disregarding outside pressures. These indicators presume a simple connection between the prevailing circumstances and the regulator's performance or in other words, that regulatory authorities want to act autonomously by nature, and if de jure and de facto circumstances do not prevent them from doing so, they will render professional and fair decisions. However, this assumption is undermined by situations in which decision makers look on themselves as part of the political system, and they voluntarily serve political interests. As a consequence, we argue that the independence of regulatory authorities cannot be measured by merely assessing the operational conditions underlying their work. As we explained earlier, the objective of independence is to ensure that all players have an equal chance and are treated fairly. These are part of the normative requirements for which independence is expected. In the interests of the democratic function of the media, different opinions have equal chances of reaching an audience if every market player can hope for and attain equal treatment in terms of market access and potential sanctions. To measure whether equal treatment prevails, it is worth complementing the independence indicators with conclusions derived from reviewing the authority's actual work and decisions.

MEASURING ACCOUNTABILITY IN THE HUNGARIAN CASE

There is significant evidence that in Central and Eastern Europe (CEE) media transformations have not created cultures of independence (Bajomi-Lázár 2008, 2014; Jakubowicz 2007, 2008; Jakubowicz and Sükösd 2008; MEDIADEM Report 2010; Open Society Foundations 2014: 226–229). As the Open Society Institute's Television Across Europe Report found: 'In many transition countries, the structures of broadcasting regulation are in place, but the implementation of legislation ensuring their independence is flawed' (Open Society Institution 2005: 43). Hallin and Mancini (2012) summarized the specific features of the CEE media transformation in the rapid and dramatic change: the central role of the media as 'agents of mobilization and shapers of public opinion' during the communist regime and the democratization process; the interventionist character of the state; the political parties' weak social roots but dominant positions in the shaping of public life; as well as the prevalence of foreign influence, especially foreign media ownership. Even in comparison to others in the region, the influence of political parties on the composition of the Hungarian media authority is striking. In other countries some portions of the decision-making bodies are nominated by the presidents of the republic, civil society groups or professional associations, but in Hungary all members are nominated by the parties in Parliament (Nagy and Polyák 2015). This was true of both, the current Media Authority and its predecessor, the National Radio and Television Board.

This inevitably places a premium on the political loyalty of nominees, and ends up delimiting in how far the criterion of professional expertise is considered in the selection process. Nagy's (2013) examination of the Hungarian local radio market demonstrated how biased market entry decisions and unequal market conditions entrenched a market structure in which those who espouse certain views enjoy an unwarrantedly favourable position.

Since 2011, as part of the team of researchers at the Mertek Media Monitor (hereafter Mertek) we have analysed in detail the work of the Hungarian regulator called Media Council. The findings presented here are based on a compilation of the data from numerous individual studies, some of which have been published separately in short reports and booklets or articles by Mertek or team members. A comprehensive review of transparency in decisions and operations was conducted. We also draw upon data on frequency tendering practice (Mertek Media Monitor 2013; Nagy 2014), and on the decisions on suspected violations of media content regulations (Nagy and Lehóczki 2014). The analysis was conducted on a collection of all of the public available Media Council decisions regarding the frequency tenders and the media content violations from the beginning of 2011 to the end of 2014. The decisions were systematized on the basis of particular criteria, and they have been analysed according to defined research objectives. In the case of frequency tenders, this was in relation to the consequences of the tender decisions on the plurality of the concerned markets. Media content regulation was examined in relation to whether the application of law led to a clear and consequent interpretation of the obligations, and whether the sanctioning practice was proportionate and nondiscriminatory.[4]

The resulting analysis is organized into three areas that can serve to generate indicators for evaluating the accountability of the regulator to the players in the market that it is meant to regulate and to the general public. These are transparency, market entry and enforcement. From the decisions and other

4. All of the analyses are available at http://mertek.eu/en.

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5. Some of the decisions are published not only on the official website of the Media Council. The website www.mediatorveny.hu is also run by the Media Council; it contains a collection from the regulator's decisions, especially regarding the media content regulation. This website publishes the decisions including reasoning.

6. According to the Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information, 'public-interest data' designates any type of data and information–regardless of the method or format in which they were recorded – that is handled by and/or refers to the activities of any body or person that discharges state or municipal government functions or other public duties provided for by the relevant legislation, including data generated in the performance of their respective public duties, regardless of how these data are handled or of the way in which they were collected. This includes in particular data regarding powers and competencies, organizational structures, professional activities and the evaluation of such activities covering various aspects thereof, such as efficiency, the types of data held and the regulations governing operations, as well as data relating to financial management and to contracts concluded.

7. Metropolitan Regional Court decision BDT 2013.2870; Hungarian Supreme Court decision Pfv.IV.20.518/2013/5; Metropolitan Regional Court decision 2.Pf.20.364/2013/3.

analysed documents it was possible to ascertain the extent to which the Media Council provided all players with equal chances and complete information about its judgements and terms, or if there were some preferred players and others who were discriminated against.

These investigations into the regulator's actual work partly overlap with some de jure and de facto indicators used in the INDIREG Report, especially in case of transparency. However, as mentioned earlier we distinguish the circumstances of the regulator's work from the outcome of the regulator's actual work itself.

Transparency

Learning about the authority's activities provides market players with the first step towards guaranteeing that the authority will apply the law consistently and predictably. It provides the possibility for professional exchange between the stakeholders and the authority, and oversight by the public. It can be seen as a precondition of independence, and as a mechanism of accountability that makes the verification of independence impossible.

A fundamental factor of transparency is whether the authority's decisions are publicly accessible, including all the information and arguments that underlie the decision. In the Hungarian case, crucial decisions of the regulator were published without any substantial reasoning,[5] and the minutes of the sessions of the Media Council did not include any information on the grounds of the decisions published.

One way for obtaining information about the regulator's practice could be to submit a request under the country's access to public information laws.[6] In connection with the decisions on frequency tenders, and with content of the public contract between the tender's winner and the Media Council, the court declared in many cases[7] that such information is public information and should be made available to the public. Frequencies constitute public property, and, according to the Metropolitan Regional Court, 'Public availability of information about the use of state assets, or the exchange value offered as part of an acquisition of any rights in connections with such use, is of pre-eminent public interest.'[8]

In the Hungarian case the courts' decisions on freedom of information remedied a majority of situations in which transparency was lacking. Nevertheless the a priori publication of decisions and their justification remains vital to accountability. The extent of such publication and the ratio of rejected freedom of information requests and their judicial reviews can be an important indicator of transparency.

Another mechanism of transparency is official judicial review of decisions. The European Court of Human Rights considers the possibility of reviewing judicial decisions as one of the essential guarantees of independence,[9] and the Hungarian Constitutional Court has arrived at the same conclusion.[10] In relation to the Hungarian Media Council, the substantial number of appellations to the courts we identified points to deficiencies in the operations of the authority. Judicial appeals lay a heavy burden on media providers and compel them to shift capacities into this area, also sustaining uncertain legal situations in the long run. Moreover, courts can only review the contents of calls for tender or set aside the evaluations of technical contents under exceptional circumstances, for in these cases the fact that a breach of the law has occurred cannot be clearly proven. A tender evaluation that is without formal faults

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and is backed up by the reasons underlying the decision is unassailable in court even if the authority selected the winner based on criteria, which were assessed as subjective.

As part of transparency we also examined the existence and accessibility of long-term strategic documents (e.g. frequency management plan), and the possibility of finding out about the authority's position on legislative plans that would affect the media system in its entirety. In the case of Hungary, the media law obliges the Media Council to work out and publish a frequency management plan.[11] Since the regulator had failed to publish it, Mertek Media Monitor filed a freedom of information request.[12] The Media Council admitted in its answer that there was no frequency management plan. According to its explanation,

> [T]he Media Council renders its tender decision in tenders on any media services in a process that involves a consideration of the experience amassed by its legal predecessor, previously drafted technical materials and an analysis of media market and media policy criteria. The Media Council's prevailing frequency management approach is embodied in its tender practices.[13]

In our three years of observation we found no evidence that the Media Council publishes any opinions on legislative plans concerning the media system. Its annual report submitted to the Parliament includes only summary on the changes in the legislation.[14]

Public consultations on regulatory issues of general interest, as well as on particular frequency tenders, can be important guarantees of transparent decision-making and accountability to the public and stakeholders. The Hungarian media law also prescribes public consultations in several cases;[15] moreover it encourages[16] the Media Council to hold a public hearing in every case when it deems such a hearing necessary and justified to perform its duties, to consult on issues of media regulations and the measures to enforce thereof, or to obtain the experts' positions and opinions on laying down the groundwork for the proper application of media regulations. In any case, the minutes of any public hearings or summaries on the contributions were not publicly accessible, nor did the finalised frequency tenders or other documents contain any reference to the results of the consultation.

Market entry decisions

Market entry decisions can have a long-lasting impact on the structure of the market and the chances of diverse viewpoints reaching an audience. The experiences with the practices of the Hungarian authority are especially revealing in terms of the effects of biased market entry decisions on the market structure.

One thing observed in the Hungarian case was that some market players were granted licences in all the instances in which they submitted an application that complied with the basic legal requirements, but this was not the situation with all market players. Between 2010 and 2013, 31 per cent of all successful frequency tenders were won by a mere four players.[17] Using local frequencies these stations availed themselves of an opportunity specified in the call for tenders. They committed themselves to broadcasting centrally

8. Metropolitan Regional Court decision BDT 2013.2870.

9. Decision of the Constitutional Court 46/2007. (VI. 27.) AB xxx.

10. ibid.

11. Act CLXXXV of 2010 Section 183.

12. See the request http://kimittud. atlatszo.hu/request/ mediaszolgaltatast_ erinto_frekve.

13. http://kimittud. atlatszo.hu/request/ mediaszolgaltatast_ erinto_frekve.

14. See e.g. Médiatanács 2014.

15. These are the drawing of recommendations on minority protection and product placement of the Media Council, the compiling of the list of designated events considered to be of major importance for society, and the draft tender notice in the procedure of frequency tenders. (Act CLXXXV of 2010 Sections 10–11, 16, 31, 50).

16. Act CLXXXV of 2010 Section 150.

17. One of these preferred players is the right-wing talk radio Lánchíd Rádió. Three religious stations can also be mentioned: Magyar Katolikus Rádió (Hungarian Catholic Radio), Szent István Rádió and Mária Rádió, another Catholic station. As a result of tenders, Katolikus Rádió has sixteen new frequencies, Szent István Rádió has seven, while Mária Rádió has eight.

produced content or pledged to do so in subsequent amendments of their agreements with the Media Council, allowing them to turn what were tendered as local stations into much larger networks. The amending practice we identified after the awarding of the tenders hollowed out the entire tender process, and ruled out fair tendering in terms of providing equal opportunities. Such broadcasters will not serve local public discourse but instead disseminate homogeneous centrally produced shows.

One of preferred players was the right-wing talk-radio Lánchíd Rádió, which saw its coverage area increase by thirteen additional frequencies, while the talk-radio Klubrádió, which is critical of the government, lost its network. Klubrádió's tender applications were especially closely watched as it was the only radio station in the market that espoused a forceful opposition voice and it used to operate a Budapest-based network that covered large swathes of the country. Between 2010 and 2012 the station submitted fifteen applications to retain its previous market position or to expand it. It failed to win even a single frequency, and in the second period all tender proceedings wherein it had participated were declared unsuccessful. Three binding judicial decisions were rendered concerning tenders involving the frequency that involved the station's Budapest-based central frequency. In all these cases the proceeding court set aside the Media Council's decision concerning Klubrádió, citing legal violations by the Council. Nevertheless the radio still needed four more court decisions just to get the community radio status it had won in a tender conducted by the previous media authority in 2010.

Previously successful music radio providers have partly or completely disappeared from the market,[18] since they could have been effective rivals of the only national commercial radio, which is owned by an enterprise connected to the ruling party. The provider of this national radio (called Infocenter) owns the right-wing political weekly *Heti Válasz* and the above mentioned right-wing talk-radio, Lánchíd Rádió. At the time of the radio tender the majority owner and CEO of Infocenter was Tamás Fellegi, who served as a minister in the Orbán government between 2010 and 2012. In this instance, the link between political and economic interests made the regulatory authority reshape the entire Hungarian radio market, much to the detriment of the other players or potential players in the market.

A further sign of the discriminative application of the law was the non-transparent interpretation of formal requirements. The Media Council declared certain applications invalid due to missing signatures on the empty reverse sides of filled-out pages. The only tenders that were concluded successfully in this period were those that featured only a single applicant; hence there was no chance of an appeal against the decision. At the time of our writing there is still a pending freedom of information request to access the winning applications, in order to determine whether the compliance with formal requirements was assessed equally.

The intensity of the competition in tender procedures, and especially the trends in the change of intensity, indicates not only stakeholders' assessment on the economic value of broadcasting frequencies but also the assessment of the chances of success in the tender process. After all, submitting an application for any single tender is based on a comparison of procedural costs and the chance of success. In the Hungarian authority's practice, 17 per cent of all tenders in 2011 featured a single applicant, while by 2013 that ratio had surged to 47 per cent.[19]

This analysis of the Media Council's administrative records, covering the licences granted in the given period or the ratio of successful applications as a percentage of all applications, allowed us to ascertain whether there were market players that received unduly favourable or unfavourable treatment in market entry procedures. This indicates that such an examination can uncover any discriminative application of the law regarding market entry or operating conditions for media service providers. Evidence from the Hungarian case points to a further risk in the regulator's work that could also be an indicator of capture or at least a lack of accountable and independent decision making on the part of the regulator. All of the Media Council decisions regarding frequency tenders have been rendered without a debate or opposing votes. Such a high proportion of unanimous decisions could lead us to conclude that the needs of pluralism or other concerns were not given much consideration in decisions concerning market entry.

In addition to licensing tenders, there are other conditions of market entry or market expansion that are contingent on a decision by the regulator, such as must-carry obligations for the distribution of certain channels, or the proceedings concerning media market concentration. These can also have significant impact on market positions. Nevertheless, the same risks that arise in the context of frequency tenders also crop up in the application of these rules. Fundamentally the evidence of discriminatory application of the law seemed to result in giving certain players an undue advantage over others.

Sanctioning practices

The third field of our evidence-based evaluation was the examination of sanctioning practice. Accountability to those regulated can be understood in terms of market players being able to assume that the authority will always assess a given action or conduct in the same way and will hold all of them to the same rules. Accountability to the public can be seen as effectively protecting their interest in the application of programme standards and content rules. Because it involves sanctions and penalties, the authority's mandate to monitor media content and the conduct of media providers, and to apply sanctions, is held under more intense scrutiny. Therefore, abuses of these competencies are most likely than those involving market entry or transparency to be efficiently remedied by national and international appeals bodies.

The Media Council's application of media content regulations has been characterized by moderate intervention (Nagy and Lehóczki 2014). In relation to actual enforcement of the law on programme standards and content, the Media Council's practice highlights the widening gap between the regulatory environment, which confers broad powers of intervention upon the authority, and the Media Council's restrictive interpretation, as evidenced by its restrained application of media content provisions. In cases involving fundamental rights, the Media Council is apparently reluctant to speak up even where other institutions point out violations. In a highly publicized case during the period of this investigation the Media Council did not find it reasonable to impose a sanction against a programme in a public service television featuring the Roma community in a negative way sparking heated debate. The Media Council 'did not judge reprehensible phenomena on a racial basis and it did not consider them as the cultural orientation of the community'.[20] The Commissioner for Fundamental Rights examined the programme as well and disagreed completely. The commissioner did not find

20. Decision of the Media Council No. 924/2012. (V. 23.)

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the decision of the Media Council reasonable and called on the authority to act 'with increased professional care' in the future. Over the time period it was observed the Media Council's sanctioning practice did not become any more constructive or consistent.

Our study identified:

- Biased application of the law by subjecting certain players to remarkably hefty or unusually lenient sanctions for similar infringements, and by repeatedly rejecting complaints made against a certain group of media
- A distinct lack of any publicly available criteria employed in applying sanctions and the consistency of their application
- Undue administrative burdens on the operation of media services such as undue data provision requirements
- Inadequate handling of issues that were sensitive with respect to political independence, such as political advertisements and balanced coverage.

These tendencies were identified using both quantitative and qualitative analyses of the authority's decisions, over a long period of time. Looking at the details of the sanctions levied against individual market players can be suitable for finding evidence of discriminative trends, but we suggest that such content analysis of decisions and the underlying reasoning is nevertheless essential for a thorough assessment of the outcome of the regulator's work as an indicator of its accountability to stakeholders and the public.

CONCLUSIONS WITH RECOMMENDATIONS

A free and diverse media system can emerge only if the players in the media system can rely on equal treatment by the authority, from market entry criteria over the conditions of operating in the market all the way to how infringements of the law are assessed. So the regulator's independence in terms of the guarantees to prevent any interest group from exercising exclusive influence over regulator's decisions is also essential in respect of realising the constitutional objectives of media regulations. However, concerns about the accountability of these institutions have been raised, and some scholars recently have even pointed out the limits of formal independence requirements, suggesting instead a refocus on better governance mechanisms (Irion and Radu 2013: 25). Our research sought to identify and test ways of evaluating the work of the regulator based on notions of accountability in governance, and in a manner that took into account the outcome of its work rather than its formal independence or the de facto conditions of independence within which it conducted its work.

Our investigation into the Hungarian case and the work of its Media Council has delivered critical evidence on the dilemmas Gilardi and Maggetti (2011) implied by insufficient indicators of independence, as well concerns about the democratic deficit of such 'independent' regulators. We observed a paradox in Hungary: though the new Hungarian 'super authority' was considered as formally compliant with European requirements,[21] it manifested serious anomalies in its operations and fell far short of being an accountable regulator.

The Hungarian case shows that conclusions can and should be drawn based on clear and usually easily available data on a regulator's practice in relation to transparency, market entry regulation and sanctioning. Monitoring

the regulatory practices at the European level in these three areas could be an efficient tool for encouraging increased independence and accountability, assuming that such monitoring is accompanied by the requisite organizational background and enforcement powers.

Recent major European research projects (INDIREG, MEDIADEM, CMPF) have already highlighted the need for critical policy change and argued for a more 'activist' role for the EU. They have also explored the need for a monitoring system at the European level to evaluate the independence of national regulatory authorities on the basis of specific, evidence-based criteria. Based on the Hungarian experience, we argue that it is necessary to introduce new criteria into EU legislation that assess the real performance of National Regulatory Authorities as an integral part of independence, and lays down legal consequences for the breach of these criteria.

We propose the creation of a European monitoring system for assessing the performance of audio-visual media regulatory authorities, rather than their legal basis, as well as the introduction of enforceable normative criteria in EU legislation, preferably in the Audiovisual Media Services Directive that was mentioned at the outset of this article. Specifically we argue that Article 30 of the directive should require that member states guarantee not only the formal independence of regulators but also effective accountability mechanisms to assess the performance of these authorities. We also suggest that the European policy-makers enact a European-level monitoring system on national-level freedom and pluralism and assign effective enforcement mechanisms and tools available for the EC,[22] the EP and the European Court of Justice (ECJ),[23] based on the assessments of monitoring reports delivered by designated institutions.

The deployment of infringement procedures by the EC in cases of breaches on 'independence' by the member states could be functionally equivalent to raising 'veto' against the unacceptable practices of national media regulators. It might lead to greater policy stability, and thus mitigate political uncertainty and credibility problems (Gilardi 2005: 140). Research offers a variety of new forms of accountability involving multistakeholder platforms such as regulatory networks (Maggetti 2010), or regulatory communication (Puppis and Maggetti 2011); nevertheless these new forms are not a substitute for transparent, responsive and effective enforcement mechanisms (Maggetti 2010).

The implementation of the offered accountability mechanisms presumes a more active involvement of the EC in the enforcement of European fundamental rights, which leads us to core questions about the role and directions of the European Union in the media sphere (Sarikakis 2007) and whether we are taking Dworkin's advice (Dworkin 1987) and 'taking rights seriously'. Without effective regulation in the public interest the media lose their ability to efficiently act as a check on all forms of political and business power, and to support the community's political, cultural and consumer choices with diverse information and a varied selection of contents.

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22. We believe that the course of standard infringement procedures (letter of formal notice, reasoned opinion, referral to ECJ and judgment by the ECJ) available on cases of violation of Union law would satisfy the requirement on effective enforcement mechanism at European level.

23. We can refer to the judgements of the ECJ declaring MSs in breach with EU law requirements on providing the 'independence' of their respective data protection supervisory authorities (as in Case C-288/12 *Commission v. Hungary*, whereby the judgment on 8 April 2014 has declared that Hungary has failed to fulfil its obligations under Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 (see also Case C-518/07 *Commission* v. *Germany* EU:C:2010:125, paragraph 23, and Case C-614/10 *Commission* v. *Austria* EU:C:2012:631, paragraph 37 on the establishment in Member States of independent supervisory authorities as an essential component of the protection of individuals with regard to the processing of personal data).

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Transformation of the public broadcasting systems in Croatia and Macedonia as indicators of democratic transformation

ABSTRACT

This article is a comparative analysis of the transition of the public broadcasting system in Croatia (HRT) and Macedonia (MRT) from state control to a public broadcasting system. Croatia, a European Union (EU) member, and Macedonia, an EU candidate, have followed the European dual broadcasting model and therefore should have well-developed public service broadcasting (PSBs). However, these two television stations today are non-functioning centralized organizations highly influenced by politics with too many employees and no proactive leaders capable of handling the task. This article concludes that neither the Croatian HRT nor the Macedonian MRT has transformed to become effective independent PSB because although the legislative framework in each country is ostensibly 'good', having passed the scrutiny of the EU accession process, these frameworks have still resulted in strengthened political control of the public service stations.

KEYWORDS

Croatia
democratic transition
HRT
Macedonia
MRT
PSB
public broadcasting
    system

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INTRODUCTION

Public service broadcasting (PSB) is an important part of a country's media system that serves the public and preserves lingual and cultural identity; promotes education and social cohesion; and strengthens democracy (Holtz-Bacha and Norris 2000; Jakubowicz 2007b, 2008; Brevini 2013; Ofcom PSB Annual Report 2014). In European states, PSB organizations are considered an important pillar of democracy and a tool for the expression of fundamental European values (Brevini 2013). With the recent changes in media technology, the deregulation of broadcasting markets and the rapid growth of commercial media, the role of and public support for PSB have changed across Europe (Bardoel and d'Haenens 2008; Donders and Pauwels 2008; Jakubowicz 2008). Under increased political and legal pressure, less state support is going to fund PSB systems, and as many PSBs also get advertising revenues, commercial broadcast media are increasingly seeking a more level-playing field for all the players in the market that get advertising money (Donders and Pauwels 2008).

PSBs in newer democracies, which Huntington (1991) defines as third-wave democracies, have had less time to develop than those from longer-established democracies. In a relatively short time of 25 years, they have been making the transformation from state-controlled broadcasters to public broadcasting organizations with same/similar role as their western counterparts. The PSB organizations in Croatia and Macedonia are now facing similar challenges to those faced by PSB organizations in more developed European countries, but at the same time are still going through transformation. Both states can be labelled as transitional democracies despite Croatia's acceptance to the European Union (EU) in 2013. Both countries went through a civil/ethnic conflict in the early 1990s (Croatia) and 2001 (Macedonia) in which their PSBs played a significant role. Throughout this time, their PSBs have had to try to keep up with the technological changes and survive in their small and very competitive media markets.

This article examines the transformation of Croatian Radio Television (HRT) and Macedonia Radio Television (MRT) from state-controlled broadcasters towards public service systems and how their legal framework changed in the past 25 years. While examining and comparing the transformation of their PSBs, this article elaborates on the role of public broadcasting in these new democracies and the kind of legal frameworks that have shaped the systems. In conclusion, we argue that the PSB legal framework in both states follows EU regulations. However, what is on paper is hard to implement when there is no political will for having public broadcasters who serve the public and not the political elites.

PSB IN EUROPE: CHALLENGES FROM CHANGING REGULATION AND TECHNOLOGY

In many western European countries PSB developed at the start of the twentieth century first as radio and then as television and computer-mediated communication. For over 60 years in many of these countries PSBs were holding monopoly with limited regulation or oversight. In the 1980s commercial media developed and European countries started regulating PSBs (Steemers 1999). Bardoel and d'Haenens (2008) list different regulation models within Europe: the British model (followed by Germany as well), in which the government is not involved and PSBs rely on self-regulation and internal control; the Scandinavian model, which has an independent external supervisor and

public broadcasters that are almost fully financed by the state; and the French and Dutch model in which the regulatory body or external supervisor sets out detailed content obligations and quota prescriptions. These models established in Western Europe served as the basis for many of the regulatory and governance systems implemented in the East during the process of European integration pushed by the EU and the Council of Europe (CoE) (Harcourt 2003).

Various European institutions have supported the role of the PSB to reach diverse and wide audiences and maintain a certain level of societal cohesion (EBU 2007; Council of Europe 2012). The CoE has recognized the role of PSB as a fundamental part in democratic development, providing people with impartial news and a diverse high-quality content that will help them participate in the decision-making processes (February 2012). The EU, however, requires that the use of public funds, or 'state aid', supporting PSB be justified by a clear remit (Donders and Pauwels 2008), and new services often must go through 'public value tests' to assess their relevance (Moe 2010).

Maintaining that public broadcasting in the twenty-first century is still important for preserving national culture and cultural diversity and fostering democratic processes, Jakubowicz (2007b, 2008) argues that for PSBs to have a future they need to strengthen relationships with their audiences. Scholars have suggested a 'full portfolio' model, arguing that PSB should change the name to public service media providing content on different platform while maintaining the goal of 'building public value' (Jakubowicz 2007b; Bardoel and d'Haenens 2008). PSBs across Europe are facing increased oversight and regulatory pressure to justify their remit and role in the face of new technologies and growing commercial competition. Re-connecting with audiences and diversifying services may be options for some, but PSBs in the transitional democracies of the former Yugoslavia, like others in Central and Eastern Europe, face additional challenges arising from the state of transition.

PUBLIC SERVICE BROADCASTING IN 'THIRD-WAVE DEMOCRACIES'

The PSBs in the 'third-wave democracies' differ greatly from their western counterparts. Jakubowicz (2008) in his comparative analysis of the public broadcasting in post-socialist societies found that, in the process of transformation, many of the countries in Central East Europe generally imitated models from western media systems. However, these were 'atavistic' because political elite was not willing to give up old mechanisms of control over the media, while public and the civil sectors did not demand the independence and autonomy of PSBs.

Hallin and Mancini (2013) argue that their Mediterranean/Polarized Pluralist model (see Hallin and Mancini 2004) is applicable to Central East European countries. They emphasize the legacy of the Communist regimes, arguing that these systems have a high degree of 'political parallelism'; strong state interventions, often partisan in nature; low professional culture among journalists and significant degree of clientelism (2013: 19). These systems are also characterized by strong battles over control of the public broadcasting system among political elites and government interference (Voltmer 2008).

Gross and Jakubowicz (2013) developed a model of different transitions that defines what kind of system the countries will develop in the phase of transformation. They make a distinction between genuine transition pushed by the existing political elite and dissidents capable of taking advantage of domestic and external circumstances to take over the system, and 'copycat

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transitions' carried out in autocratic countries in which oppressive systems did not allow development of an elite capable of making changes. They argued that in many of these countries this transition is still not over and that while the genuine transitions can lead towards creation of democratic systems, copycat transitions will lead to autocratic and intermediate systems.

Croatia with its recent membership in the EU is gaining momentum in it democratic development. Macedonia, on the other hand, in the past seven years has been going towards the autocratic system where the ruling party is controlling every segment of the government and majority of the media.[1]

PSB TRANSFORMATION IN CROATIA AND MACEDONIA

Croatia and Macedonia are both former Yugoslavian countries that gained independence in the early 1990s. Josip Broz Tito and the Communist Party ruled Yugoslavia following the concept of liberal communism, which mandated open borders and relied on international borrowing (Cox 2002). However, Tito controlled Yugoslavian citizens and the Communist bureaucrats had decision-making power over state companies, national property and the distribution of salaries and national wealth (Djilas 1998). Along the same lines, the Communist Party controlled the news media in Yugoslavia as well. That control was not as severe as in other Communist countries, but the freedom of the press was limited. For example, the image and persona of Tito and the basic ideas of the Communist system were protected from criticism (Pesic 1994). Malovic and Selnow (2001) defined it as soft communism with Stalinist characteristics. That allowed the development of media, which were somewhat critical of the economic and local political issues.

Josip Broz Tito died in 1980 and that marked the beginning of the end of Yugoslavia. Croatia proclaimed independence from Yugoslavia in 1991, a year after Croatian Democratic Union (Hrvatska demokratska zajednica [HDZ]) led by ultra-nationalist Franjo Tuđman won the first multiparty elections. HDZ and Tuđman ran the state as its Communist predecessors – as a party-state (Thompson 1999).

Macedonia was the only Yugoslav republic that peacefully separated from the former state and 'smoothly' transitioned into the new pluralistic and democratic system in 1991. Despite the peaceful separation, Macedonia was not conflict free. The interethnic problems that existed in former state continued to be pushed 'under the rug' in the 1990s, which led to a low-intensity ethnic conflict in 2001 (Rusi and Spasovska 2013: 240). With independence both countries saw development of commercial media that had an impact on the work and transformation of their PSB as well as their role in the media system of each country.

This article examines the transformation of HRT and MRT from state-controlled broadcasters towards a public service systems and how their legal framework changed in the past 25 years. The analysis was based on the analysis of legal documents, data from media market research, civil society watchdog reports and international media monitoring reports.

THE TRANSFORMATION OF CROATIAN RADIO TELEVISION

When Croatia gained independence from Yugoslavia in 1991, the new government brought hope for positive changes in the media (Thompson 1999). The national broadcaster 'Radio-Television Zagreb' became 'Croatian National Radio-Television' (HRT). The newly elected Croatian government

voted for the Croatian Radio-Television Act, with a goal to regulate public television broadcasting in Croatia. The act established HRT as a public broadcasting organization that was to produce and broadcast radio and television programmes. The ownership, however, did not change, and HRT remained state owned. By this law, the government appoints radio and television directors and proposes a general director as the head of HRT. The general director was mandated to run the company with an administrative council comprised of nine senior HRT staff members. Rules and regulations issued by the council had to be in accordance with the government. The law created a Programme Council to set guidelines for the programme. This council was composed of 15 members of Parliament, 10 HRT personnel and 10 delegates from cultural associations, who reported to the Parliament on a regular basis (Thompson 1999). Since then, the Croatian Radio-Television Act has been changed seven times (for full list of changes to the HRT Law through the years, see Table 1).

HDZ lost parliamentary elections to a coalition of six democratic political parties in 2000. The new government tried to minimize the political influence on HRT and introduce greater freedom of the press (Car 2006). The new Croatian Radio-Television Act of 2001 was finally expected to prepare the ground for HRT to complete the transformation from state to public system. The task of this act was to ensure that selection of members of the Programme Council was free of influence. Non-governmental organizations were to choose 22 members of the council, and the president of Croatia, the prime minister and the president of the Croatian Parliament were to select three prominent community workers not affiliated with any political party. However, this act allowed for the parliament to choose seven members of the administrative council, leaving room for political influence. These changes did improve institutional independence of HRT. The new coalition government refrained from pressuring the media, thus enabling the development of professional standards (Perusko 2011). According to Perusko (2011), the news and current affairs reporting became increasingly impartial and balanced, especially when compared to the 1990s era. However, the position of HRT remained precarious regarding management and financial positions, and the potential for governmental influences on editorial decisions was still sizeable. The civil society did oversee the programme, but administration was still under political control (Popović 2004).

The Croatian Democratic Union regained power in the parliamentary elections in 2003 again. The newly elected right-wing government supported Croatia's path towards the EU membership, and the media policy regulation continued to move in a similar direction regardless of the change of the ruling party. The HRT Act was changed again in 2003 to define the purpose of the Programme Council, improve professionalism in the news department, stop the commercialization of the programme and minimize the political influence (Tomorad and Mucalo 2004). The law (Final draft 2003) introduced a division of authority between programme production and management. HRT management had no authority over programme production or content, and the programme production had no control over the finances. The HRT Council, the Management Board and the general director govern HRT. The HRT Council was to appoint, for a four-year period, the director of HRT, and the directors of Hrvatska Televizija (HTV) and Hrvatski radio (HR), directors of programming and the information programming editors in chief at HTV and HR. The council, however, had a hard time functioning because it had too many members, and many of them had significant political affiliations (Perusko 2011).

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Year	Name	Changes
1992	Law on Croatian Radio-Television	The HRT Council has 35 members • Fifteen are appointed by the Croatian Parliament • One member each appointed from Croatian Academy of Sciences and Arts, Matica Hrvatska, Croatian Writers' Association, Croatian Journalists' Association, Croatian Association of Dramatic Artists, Croatian Society of Musicians, Catholic Church, the Serbian Orthodox Church and the Islamic Community • Ten members elected among the employees of HRT
1996	Law on Croatian Radio-Television	• The HRT Council has nineteen members; fifteen are from among the representatives in the Croatian Parliament. The HRT Council is appointed and dismissed by the Croatian Parliament • The HRT director and chief editors of radio and television programmes participate in the HRT Council without the right to decision-making • Directors of Croatian Radio and Television shall be appointed and dismissed by the Croatian Parliament • Members of the board are appointed and dismissed by the Supervisory Board at the proposal of the HRT director. • Editor in chief of radio and television programmes shall be appointed and dismissed by the Supervisory Board on the recommendation of the director • The Supervisory Board supervises the legality of the operations of HRT • HRT Supervisory Board has five members, who are appointed and dismissed by the Croatian Parliament for a term of four years
2001	Law on Croatian Radio-Television	• HRT shall privatize its third network within one year • HRT will change its legal format from a 'public company' to a 'public institution', which will be 100 per cent state owned and under the supervision of Croatian Parliament • The HRT will be supervised and managed by the following bodies: HRT Council, HRT Board of Management, and director of the HRT • The HRT Council will represent and protect the interests of the television and radio public regarding the production and supervision of programming. It will consist of 25 members appointed by various public institutions (universities, Croatian Academy of Science and Arts, unions, etc.). The president of Croatia, the prime minister and the president of Croatian Parliament will appoint 3 out of the 25 members of the council. Neither members of parliament nor other state officials are allowed to be members of HRT Council or of the Board of Management. • The Board of Management will manage HRT's business affairs, which shall have seven members appointed by the Croatian Parliament. One member must be chosen from among HRT employees and the remaining six members from among economic, financial and legal experts, cultural workers and media experts • The majority of the television programming has to be of domestic and European production, without neglecting Croatian programmes

- At least 10 per cent of the total television programmes broadcast except news bulletins, sporting events, game shows and commercials will be commissioned by the HRT from independent production companies
- The duration of advertising messages in every HRT programme must not exceed nine minutes per hour of the programme while teleshopping is not allowed
- The news, religious, children programmes, programmes lasting less than 30 minutes and feature films cannot be interrupted by advertising messages
- The HRT shall not broadcast advertising messages on behalf of political parties, religious communities and trade unions. The prohibition on the broadcast of advertising by political parties shall not apply during electoral campaigns
- Owners of radio and television receivers in the territory of the Republic of Croatia shall be obliged to pay a fee to finance the HRT. The amount of the fee shall be 1.5 per cent of the average monthly net income of employees in the Republic of Croatia

| 2010 | Croatian Radio-Television Act | • Introduced a new organizational structure of the HRT management through new HRT bodies, namely the Management Board and the Supervisory Board, which were to ensure the better functioning and operation of HRT. At the same time, the already-existing Programme Council of the HRT was combined with the Supervisory Board, related to the election of members of the Management Board and the adoption of HRT's basic acts such as its Statute, Work and Financial Programme. |

- Programme obligations of the HRT as well as the amount and source of its funding are to be determined by a contract between the HRT and the government of the Republic of Croatia. The contract must contain details of the type, scope and content of all public services to be provided by the HRT.
- On the basis of the contract, the Council for Electronic Media issues a licence to the HRT to launch a new radio or television programme channel or to provide on-demand audio/audiovisual media services or a licence for satellite, Internet, cable or other transmission
- The duration of advertising messages in every HRT programme must not exceed four minutes per hour of the programme while teleshopping is not allowed

| 2012 | Croatian Radio-Television Act | • Restructured the management of HRT to ensure a clear procedure for the election of members to a particular HRT body, which is now the task of the government |

- Clearly defined the responsibilities of the director general for the work and operations of HRT

Table 1: Changes to the Law on Croatian Radio-Television through the years.

The Croatian Democratic Union stayed in power during most of the first decade in the twenty-first century. The most important laws passed during that time were the Media Act of 2004, the Electronic Media Act of 2009 and another version of the Croatian Radio-Television Act of 2010. The new Croatian Radio-Television Act of 2010 did introduce some important changes to the operation

of the Croatian public television. The new act stipulated a five-year contract between HRT and the Croatian government, defining the programme principles and the budget. In addition, it called for clear separation of public and commercial funds and decreased primetime advertising on HRT's two main channels from nine minutes to four minutes in an hour (The Croatian Radio-Television Act 2010). However, according to the Freedom House report from 2013, the law did little to prevent political interests to interfere with HRT's programme. Politicians continued to censor and suspend programmes without explanation and politicize personnel decisions, while lack of transparency and low professional standards continued to be a norm (Freedom House 2013).

The act was amended in 2013 and the new 'left' coalition in power changed HRT's management structure once again. The new organizational structure now consists of four independent bodies – the general director, the Management Board, the Supervisory Board and the Programme Council. Popović (2014) and the Freedom House (2013) report argued that with the organizational changes the Croatian Parliament gained more power over the management of HRT because the governing bodies in the Parliament now directly select the general director as well as most of the members of the Management Board and the Programme Council. The new organization of the HRT's management bodies gave the general director power to appoint all the editors in chief and the directors of the four organizational units (The Croatian Radio-Television Act 2012).

Popović (2014) also argued that the new HRT's organizational structure is not functioning well. To illustrate her argument she explained that the general director of HRT, Goran Radman, who was appointed in 2012 and is supported by Croatia's governing Kukuriku Coalition, is still in position despite his association with numerous affairs. For example, Radman was accused of censoring news stories in the main evening newscast as dictated directly by the Croatian prime minister (Curic 2014). In addition, the new general director started making drastic personnel changes. Some people resigned voluntarily, whereas others, such as the programme director Goran Rotim, were removed from their positions. Media assistance organization IREX's watchdog report from 2014 also concluded that the new law on HRT is a regression compared to the previous one from 2010, particularly in terms of giving the parliamentary majority more power to control the public service (IREX 2014a).

One of the results of such instability in management is self-censorship among the journalists. According to the report from IREX, journalists at HRT generate reports that please editorial policy or expectations of owners and lobbies who support them (IREX 2014a). The report also found that the management of HRT does not shy away from openly banning employees from discussing certain issues in public (IREX 2014a). In addition, HRT has censored reporters and the content of talk shows. For example, in 2012, Maja Server, editor of the show *Croatian Life,* was warned that she could lose her job over her allegedly biased selection of guests for the show (Freedom House 2013).

The results of such censorship and content control on HRT are clearly visible in the latest reports on trust in media in Croatia. A study from 2011 conducted by an audience research agency GfK showed that confidence in media in general is low, with only 21 per cent of participants saying that they trusted media, whereas 53 per cent stated that they did not trust the media at all (GfK Croatia 2012). However, audiences who do trust the media predominantly choose to trust the top commercial television station Nova TV. Approximately 30 per cent of people say they trust Nova TV, whereas only around 17 per cent say the same

for HRT (IpsosPuls 2013). The same trend can be observed in viewership. In the last seven years, Nova TV viewership numbers have improved from the last place in 2006 with around 15 per cent audience share to the first place in 2012 with almost 25 per cent audience share. At the same time, HRT has significantly lost popularity. The audience share has dropped from around 35 per cent in 2006 to only around 19 per cent in 2012 (IpsosPuls 2013).

In summary, political instability in Croatia is reflected in HRT regulations. Every change to the Croatian government brings a change to the Croatian Radio-Television Act as well. The position of HRT remains precarious regarding management and financial positions, and the potential for governmental influences on editorial decisions is still present. Some of the biggest problems are non-transparency and politically motivated selection of members to the councils, which should monitor the media and ensure their independence, and the exclusion of the public and civil society from the process of making laws. The results of such censorship and content control on HRT are clearly visible in the latest audience reports in Croatia. HRT has significantly lost popularity as well as the audience trust.

THE TRANSFORMATION OF MACEDONIAN RADIO AND TELEVISION

Macedonian Radio Television is defined as a 'divided' public service in which each ethnic group has a precise programming quota (Bashic-Hrvatin and Thompson 2008; Dimitrijevska-Markoski and Daskalovski 2013). This multi-ethnic and multi-lingual organization reflects the population diversity of the state since it was formed in 1944 (radio) and 1964 (television). This division in the former system did not mean difference in the news reporting because of the one unified editorial policy (Rusi and Spasovska 2013). However, since Macedonia gained independence from Yugoslavia in 1991 and established a multiparty system, the news programmes in MRT have been run with an editorial policy that reflects the politics of the party that controls MRT different language programing, which leads towards further division (Rusi and Spasovska 2013). In the 25 years of independence Macedonian Radio and Television has gone through several legislative phases. However, it still remains dependent on the state for funding and therefore is susceptible to political influences. As Trpevska and Mircevski (2014: 297) point out, 'MRT in essence has no organizational memory of independence' and the 'culture of dependence' (from the state) is prevalent.

In the first years of independence (1991–97), MRT was treated as a state-controlled and subsidized media competing with the newly formed private commercial stations. In 1997, the first Broadcasting Law regulated private broadcasting companies and established the Broadcasting Council as a supervisory body. In 1998, the Law on Establishment of the Public Enterprise Macedonian Radio Television defined MRT as a 'public service', but the appointment of the general manager and its board remained under control of the Parliament. The position of the general manager was seen as a political function because it changed with every change of the government. Under the constant criticism from international and local organizations, and as part of the EU negotiation package in 2002, the government started working on the new regulation, including partners from local and international media development organizations. In 2005, a second Law on Broadcasting was adopted that defined MRT as a public service with clear provisions concerning its programming functions, editorial independence and institutional autonomy of its governing bodies: the

MRT Council, the Managerial Board and the executive director. This change gave a greater role to the council as the highest supervisory body. However, even with these changes, the Macedonian government found a way to control the selection of the MRT leadership. Trpevska and Micevski (2014) in their report for the civil society group The Peace Institute of Ljubljana argued that the amendments in the law from 2008 provided an option for MRT to go into bankruptcy and liquidation. Only after the European Commission pointed out that Macedonia could not be a candidate for EU membership without a public broadcasting system were these changes removed.

A new Law on Audio and Audio Visual Media Services was adopted in 2013. It regulated the work of MRT and simplified the structure of its governing bodies by reducing the number of members of the MRT Governing Council. According to the 2013 law, the governing bodies of MRT are the Programming Council, MRT Supervisory Committee and director and deputy director. The Programming Council now consists of 13 members, as opposed to the 23 members who were included in the governing council from 2005. The role of the Programming Council is to protect the public interest in terms of the quality and the diversity of MRT programmes, and the members of the council are appointed by governmental and non-governmental organizations. The Programming Council selects the members of the supervisory committee and the director. The director of MRT, similarly to HRT, appoints leading editors and makes the programming proposals (for full list of changes to the regulation of MRT through the years, see Table 2).

By September 2014, the law had been changed three times. One revision included a newly formed association formed by journalists working in pro-government media, which was seen by watchdog groups as a way for the government to secure control over the governance of MRT (Stojancov 2 July 2014; *Utrinski Vesnik* 2 July 2014). Another amendment stipulated that audience members who receive social assistance are exempt from paying the broadcasting fee, which means less revenue for MRT. As defined by the 2013 law, MRT is now financed by the broadcasting tax, commercial advertising of up to eight minutes per hour, donations, sale of its own programme production and money from the state budget. However, except for a line that

Year	Name	Changes
1997	Broadcasting Law	• Created the broadcasting council • Established licence fee as 2.5 per cent of the average salary included within the electricity bill and regulated how the money collected will be spent • Established concessions for the commercial broadcasting companies • Established fund for supporting production projects • Limited the foreign investments in media but allowed plenty of national commercial media
1998	Law on the Public Enterprise Macedonian Broadcasting	• Established the MRT as a public company and the management structure consisting of managing board, board for financial control and general manager MRT has a managing board of seven members: four proposed from the government and outside the MRT and three selected from the employees at MRT

		• The board for financial control has five members appointed by the government
		• The managing director and the deputy managing director are appointed and fired by the government
2005	Broadcasting Law	• Included the regulation of MRT
		• Established MRT council, which has 23 members appointed by the Parliament. The members in the Council are proposed by: Parliamentary election commission who gets five candidates; Saints Cyril and Methodius, University in Skopje and The State University 'Tetovo' and the Association of Journalist of Macedonia get two candidates each; and the following institutions get one candidate each: University Ss. Kliment Ohridski in Bitola, University of Southeast Europe Tetovo, National Albanian Theatre, National Turkish Theatre, the Union of Local Government, the Macedonian Olympic Committee, Economic Chamber, Macedonian Association for Informatics Technology, Musical Academy, the Association of Music Authors and Composers, Faculty for Theatre Art and the Union of Handicapped Organization
		• MRT Managing Board remains with seven members appointed by the council and cannot be employed in MRT
		• Managing director is appointed by the managing board, and the selection is made by public search and depending on the submitted programme
		• Limited the amount of advertising in MRT to four minutes and twelve seconds per hour and no advertising in prime time
		• Gave bigger authority and independence of the broadcasting council
		• This law was changed eight times in the period from 2005 to 2013. Some of the changes were made that changed provisions in selecting the members of the governing bodies within MRT. In 2006 it also decreased the amount of the licencing fee to 1 per cent of the average salary
2013	Law on Audio and Audio Visual Services	• Established the Agency for Audio and Audiovisual Media Services and dissolved the Broadcasting Council
		• Regulated the work of MRT
		• Established Programming Council of 13 members: 5 members are proposed by the Parliamentary election commission; the Union of Local Government proposed 3 members; the major journalist association proposed 2 members; Interuniversity conference, National Albanian Theatre and National Turkish Theatre proposed one member each
		• Created board for financial control of seven members elected by the Programming Council through a public search
		• Managing director and deputy hired by the Programming Council on a public search
		• Limited the advertising on MRT on eight minutes in an hour and no advertising during the prime time
		• The licence fee was set to 190 MKD (around 3 euros)

Table 2: Changes in the regulation of Macedonian Radio Television through the years.

stipulates the donations should not influence the editorial independence of MRT, there are no additional regulations for the way the budget should be spent (Law on Audio and Audiovisual Media Services, Article 105, 2014).

According to MRT's 2013 financial report (2014) and the Agency for Audio and Audiovisual Media Services report (2014), MRT had around 61 per cent of the total revenue from the broadcasting tax, the highest since 2004. This success, as Trpevska and Micevski (2014) state, is due to the financial consolidation and establishment of a more efficient system of tax collection through the Public Revenue Office. However, although the revenue from the broadcasting tax is increasing, it is not stable enough to provide full independence that will allow MRT to meet all the requirements of a public service broadcaster (Media Development Canter, 2014; Trpevska and Mircevski 2014). One reason for that is the low rate for the broadcasting tax, which is set in the law at the equivalent of just over 3 euros per month. Even if the tax is fully collected, it is not clear how it can cover the costs for technological advancements and production of programming in multiple languages. In addition, recent media sustainability reports have found some irregularities in MRT's budget (see Media Development Centre 2014; NVO Infocenter 2013), and one of the biggest problems that scholars and analysts looking at the work of MRT identify is lack of transparency in administrative and financial regulations. Since the passing of the law from 2013, MRT has been publishing its financial reports on the MRT website (starting with the financial reports from 2012), a requirement established in article 106 in the law. The statute of MRT was published on the web page in the beginning of 2015 when it was accepted. However, the information about the leadership of MRT, meetings and reports from the work of the Programming Council, although required by the articles 113, 114, and 122 and MRT statute (article 40), are not available on the web page.

Results of financial problems and political control have resulted in poor audience shares for MRT. The Agency for Audio and Audiovisual Media Services (former Broadcasting Council) market analysis (2014) uses Nielsen Audience Measurement from 2013 in which all three MRT channels have 9 per cent viewership, behind commercial national stations Sitel (28.60 per cent) and Kanal 5 (12.80 per cent). In the report from the Broadcasting Council (April 2013) on the question to which television news programme you trust most, MTV 1 has 8.3 per cent and MTV 2 (minority language programming) 2.1 per cent. These results are not surprising given the findings of research conducted by three local non-government organizations, which concluded 'that MRT not only is not fulfilling its functions as a public broadcasting service, but in some cases becomes an actor and a propaganda instrument of the political powers' (NVO Infocenter 2013: 12).

To summarize, the revision of the legal framework for MRT did not result in making this system public. MRT today remains under strong political control of the parties in power and divided on ethnic lines. The low viewership and low trust in its programmes confirm the general view that MRT is considered a mouthpiece of the government as it has been throughout the better part of the last two decades (IREX MSI 2015b).

DISCUSSION

Croatia and Macedonia might have started genuine transition described by Gross and Jakubowicz (2013) since both states had some elites and former dissidents, particularly in the civil sector among the newly liberalized media.

However, as our accounts of the two cases showed, this quickly changed. The conflict in Croatia and growing nationalism led to 'right-wing authoritarian system in the nineties, and then towards a liberal system from 2000 onward' (Popović 2014: 194). In Macedonia, the dissident forces were not very strong to begin with, and soon after the elections, the transformed communists took the power again. Every government since then maintained the status of a country in endless transition (Spasovska and Rusi 2015).

Through the years, both systems have been going through events that are strikingly similar. The unstable political scene in Croatia reflects in the HRT regulations. Frequent changes of parties in power caused frequent changes and updates of the Croatian Radio-Television Act, which has acted as the document that would ensure the political control for the most part since the early 1990s. Just like Croatia, Macedonia suffers from frequent political changes that are exacerbated by political and ethnic tensions between Macedonians and Albanians. The public media system in Macedonia reflects this parallelism, and the political changes also led to frequent changes in the regulation and governance of MRT.

The observed pattern of the changes for both laws revealed that most of the changes concerned governing bodies for both HRT and MRT. The most striking changes to the HRT Council happened in 2001 when the number of members appointed to the council from the representatives in the Croatian Parliament dropped from fifteen to none, but gave the Croatian government the power over who will be appointed to the council and other managing boards of HRT. In the act of 2013, the Parliament regained power over the management of HRT. In Macedonia, despite the fact that the Broadcasting Law was changed eight times in eight years, the Macedonian government still reserves the right to select five members from the Parliament to the MRT Council. As an unwritten rule, the coalition parties in power divide the programmes, so the Macedonian political party controls the Macedonian programming and the Albanian party is in charge of the Albanian programme.

In terms of the three regulation models from Bardoel and d'Haenens (2008), Croatia and Macedonia do not fit either of these models. Both HRT and MRT are subsidized by the state budget in terms of programming and technological advancements. On the other hand, the Agency for Audio and Audiovisual Media Services in Macedonia and the Law on Electronic Media in Croatia serve as regulatory bodies and establish quotas for programming among all broadcasters that are also applicable to MRT and HRT, similar to the Dutch model.

The political control over HRT and MRT is mirrored in the content as well. Croatian journalists have been censored for years for criticizing the government. MRT's programme has been accused of political bias and national or ethnic coverage. As a result, the data described earlier showed that both stations are struggling with viewership and audience trust. This situation is far from what Jakubowicz (2007b) recommends for the PSB in the twenty-first century. The lack of viewership and public trust makes HRT and MRT more vulnerable and dependent on political support. Jakubowicz also argued for a 'full portfolio' model, and we can say that both MRT and HRT are behind in it. Their websites still publish news content produced mainly for the television news programme with very little communication with the audience.

CONCLUSION

The key characteristic of a public service broadcaster should be to serve the public, not a particular party or government. Yet, as this analysis has shown, instead of

providing transition to independence and stability, the legislative frameworks for the PSBs in Croatia and Macedonia have strengthened political influence over the governing structures and, in the Macedonian case, perpetuated financial dependence on the state. In addition, audiences do not trust and watch these stations, choosing commercial stations instead. In terms of Jakubowicz (2008) taxonomy, HRT and MRT remain part of atavistic systems in which the political elite is simply not willing to give up the control. As in the rest of the third-wave democracies, without a political drive to transform HRT and MRT into public systems, the laws regulating their work will remain meaningless.

However, the discussion on the role and work of the PSB is happening on a larger European level. Despite the decrease in political support and growing complaints from the commercial media, there are no signs that EU is considering any drastic changes in its regulation of PSB. EU still recognizes PSB's importance in a democratic society in preserving social and cultural needs as well as media plurality (Steemers 1999; Jakubowicz 2007a; Moe 2010). Croatia, as a new member of EU, will follow the trends and regulations with its own characteristics. As for Macedonia, maybe with renewed pressure from the EU for political change, there will be pressure to return the state on its European path. At least there are some citizen groups in Macedonia that started demanding return of MRT to the citizens (*Plusinfo* 3 March 2015).

This article analysed and compared only the legal regulations of the PSB in Macedonia and Croatia, but further research is needed to examine the relations between the PSB and its regulatory body to see if there is a similarity with the models that Bardoel and d'Haenens (2008) discussed. Our assumption is that the model of PSB systems in the third-wave democracies will continue to be different from the western and stronger PSB systems, and we argue that the extent of political will on the part of parties in power to leave PSB alone is at the heart of this difference. When looking at the transformation of PSB in third-wave democracies, one should also examine the public view of the value of PSB and the way the public distinguishes between commercial and public media. Are there any other cases like in Macedonia where citizen movements are demanding PSB to become truly public?

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The role of media assistance in the establishment of public service broadcasting in Serbia

ABSTRACT

This article investigates the extent to which Serbian media institutions that have been initiated and supported through media assistance programmes have actually reached a level of sustainability and functionality. Analysing the establishment and transformation of public service broadcasters in Serbia, the author discusses the main achievements, failures and challenges of media assistance programmes that aim to contribute to Serbia's democratization. As media institutions in transition countries are often designed after similar institutions in Western European democracies, the outcomes regularly differ from the initial model. This article sheds light on the question of what happens to imported models when they are transposed onto the newly evolving media systems of transitional societies using the case of Radio-Television of Serbia.

KEYWORDS

independent media
media assistance
PSB
public service media
RTS
Serbia

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1. For example, the European Convention on Transfrontier Television (2009), the Digitalization Strategy (2009), the Law on State Aid Control (2010) and the Law on Electronic Communication (2010).

2. The Strategy for the Development of the Public Information System in the Republic of Serbia until 2016, adopted in 2011, finally defined public interest; the text is available at http://www.osce.org/node/88325 (accessed 30 January 2015).

INTRODUCTION

The Serbian media system has undergone developments that relate closely to the country's recent history. With the end of the socialist era and the breakup of Yugoslavia in the late 1980s and early 1990s, the regime of Slobodan Milošević in Serbia severely controlled the mainstream media, preventing any of its institution to develop according to high professional standards. During this period, most of the media were under firm state control, undemocratic media laws were enacted, locally run media came under the influence of local governments and privately owned electronic media were also in the hands of Milošević's supporters which created so-called chaos in ether (Veljanovski 2009: 24). At the time, 'independent' and 'oppositional' media were mainly supported by international donors.

Only after 2000, and Milošević's overthrow, did newly elected authorities support the establishment of a new legislative and regulatory framework in the domain of media. According to Matić and Valić Nedeljković, we can distinguish three phases of media policy development in post-Milošević era – (a) *modernization phase* (from 2000 to 2003), when political actors reached a consensus on European Union (EU) accession, and applied European standards in the sphere of media (privatization, self-regulation, establishment of public service broadcasting, work with civil society actors and professional associations); (b) *stagnation phase* (from 2004 to 2008), under the conservative and EU-sceptic government of the Democratic Party of Serbia led by Vojislav Koštunica (in this phase media policies were restrictive, media privatization came to a halt, new laws contradicting old ones were adopted, the independence of the Radio-Television of Serbia [RTS] was restricted); and (c) *the phase of re-emerged Europeanization* (2009 onwards), when Serbia was granted EU candidate status (this implies the harmonization of domestic laws with Community *acquis*, ratification of international acts and adoption of important domestic policies,[1] such as the strategy for media development[2]) (Matić and Valić Nedeljković 2014b: 321–31).

During the last 25 years (from the beginning of 1990s until the 2015) international assistance programmes played a significant role in the development of the Serbian media system. During the 1990s, such assistance (mostly provided by the Open Society Foundations) primarily focussed on supporting independent media (Radio B92, TV Studio B, the daily *Naša borba*, the magazine *Vreme*, etc.) and intended to provide an alternative source of information to Serbian citizens. These assistance efforts ensured the economic survival of independent media outlets, or, as Krishna Kumar argues, 'these independent media outlets nurtured by the international community enabled Western states to communicate their messages to the Serbian public' (Kumar 2006: 4). Once democratization processes started in late 2000, international media assistance expanded in scope, bringing the EU as the main actor through its development agencies; trying to address various issues such as the adoption of an adequate legal framework, the establishment of regulatory bodies and practices and the transformation of the state television into a public service broadcaster (PSB); and empowering journalists as well as media managers to cope under market conditions.

The institutionalization of an independent PSB represents a fundamental element of the European model of media policy (VanCuilenburg and McQuail 2003), and one of the most viable achievements and one of the pillars in the process of democratization (Thompson 2013). It applies in general that the

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transformation of former state broadcasters into public service ones aimed to break up the monopoly of the state in the sphere of public communication, and to enable citizens to freely access information and participate in public life. EU policy played an important role in shaping the legal and financial framework for the operation of PSB; however, we should remember that when it comes to EU media policy, its overriding concern is with the competitiveness of audio-visual industries, and Jakubowicz describes PSB as a 'square peg in a round hole' of EU media policy (2004, 2011: 211).

Recent analyses suggest that the introduction of PSB in the Western Balkans has either so far failed or produced very uncertain results (see e.g. Irion and Jusić 2013; Marko 2013). The initial optimistic belief that one can transplant institutions existing in older democracies as part of a process of 'imitative transformation' (Splichal 2001; Jakubowicz 2011) has been shown to be wrong. Studies conducted in this field also suggest that reforming institutions through conditionality – a list of specific changes that the country must enact before funds or other benefits are released – does not correspond to successful institutional change (Shirley 2005; Irion and Jusić 2013; Voltmer 2013).

This article examines the development of Serbian PSB, mainly the RTS, with a focus on international media assistance, with an aim to systematize existing knowledge and available data and to analyse observed trends. Analysis has shown that Serbia, at the beginning of the process of democratization (in 2000), did not provide fertile ground for the establishment and development of the independent and functional PSB. The lack of political culture, strong clientelistic ties between political parties, legal and regulatory authorities and certain editors and journalists made newly established institutions only partly functional and ineffective. This article will argue that modelling the PSB in Serbia after the BBC has been a failure due to the drastic differences between the UK and Serbian contexts. The country sizes and economic perspectives are different, and PSB is not an inherent idea but an imported one in Serbia. It provides evidence that the laws designed to implement high European and democratic principles in the PSB institution proved to be insufficient and explains the various factors that have resulted in a PSB system that is not fully independent, is financially unsustainable, and non-transparent in its management and operation.

MEDIA IN TRANSITION: PSB AS A GOAL OR AS A MEANS OF DEMOCRATIZATION?

The literature offers substantive analysis of the potential role of media development for democratization and the need for political, legal and institutional reforms in transitional societies (Kumar 2006; Rhodes 2007; Karlekar and Backer 2014). According to Hawley Johnson (2012: 2), most of these scholars 'observed the patterns of donor activity and the roles of intergovernmental and non-governmental organizations in post-conflict democratization, as well as on the influence of intervening Western powers'. The phrase 'media development' has, according to Guy Berger, a dual meaning – it could be a process (doing 'media development') and a state (to produce 'media development'), which causes incoherence (2010: 550). This concept is sometimes used synonymously with the slightly less ideologically tinted phrase 'media assistance' (Kalathil 2008; Berger 2010).

The main goals of media assistance can be categorized as political and media-specific goals. According to Aaron Rhodes, 'support aimed at achieving

political and social objectives sought to strengthen independent media to overcome state domination and allow citizens to develop and support alternatives to authoritarian regimes' (2007: 11). Thus, stable, independent and functional media are seen as a means of achieving wider democratic goals. Media-specific goals focus on establishing and supporting independent media institutions. Support to PSB reform could fall into both political and media-specific goals (2007: 11–12).

In the countries of former Yugoslavia, PSB is the outcome of a form of media assistance that addressed 'the maximum number of challenges in the transitional (newly democratic) states' (Thompson 2013: 8). By default, PSB is supposed to produce, commission and disseminate universal content for a non-niche audience; it has to be supported by an appropriate legal and regulatory framework; and mechanisms enabling stable funding and accountability should be in place. According to Thompson (2013: 8), 'if it cannot deliver excellent programmes to the entire population through broadcasting and online, the public is unlikely to wish to sustain it'.

The countries of the Western Balkans embarked on the transition of their media systems from similar starting points. Under socialist rule 'all broadcasting media were operated by the state and print media were tightly controlled, while propaganda and (self)censorship were commonplace' (Irion and Jusić 2013: 14). However, the way transition unfolded differed from one state to another. In the case of Serbia, one of the main features of its early transition was Slobodan Milošević's dictatorship, with Milošević using media in the 1990s to serve as tools of government propaganda and for forging war (Thompson 1995; Kurspahić 2003).

During the 1990s, the most influential media constituted the so-called patriotic front, which served the ideology and interests of the regime, enabling Milošević to control over 90 per cent of media organizations (Mazowiecki 1994: 35). The RTS was the regime's main mouthpiece, usually titled 'RVT Bastille' or 'black box' due to its instrumental and negative role in this period. The initial transformation of the media was rather chaotic, mainly led by external actors and donors who assisted independent media outlets. The lack of legal and regulatory frameworks for media and the large number of state- and privately owned outlets in the 1990s has been characterized as chaos in the ether (Veljanovski 2009; Marko 2013). Actual systemic changes in the Serbian media landscape and the introduction of media institutions such as PSB took place only after the democratic changes of 2000. The introduction of the dual media system in the early 2000s resulted in the coexistence of public media institutions and private television and radio stations (Thompson 2013: 10).

While transformation theorists initially distinguished three models of transformation – paternalistic, democratic and systemic – a fourth type – mimetic or imitative – has been introduced to describe the nature of transformation due to the specific socio-political circumstances of post-Communist countries (Splichal 2001; Jakubowicz 2007, 2011). The countries in transition aimed at imitating what McQuail (2000: 208–09) called the 'public service phase' of media policy. These policies were developed in Western Europe after World War II with a strong emphasis on independent and non-commercial public service broadcasting. Imitating or implementing this phase in the countries of former Yugoslavia initially meant following functional western models of PSB trying to transplant these into a new context, usually unprepared and incompatible with imported models.

As Irion and Jusić (2013) observed, 'It is now widely accepted that imported media institutions and standards likely divert from the ideal-type models of similar institutions originating in Western democracies and media theory' (17). Actual practices, inherited from the socialist period, demonstrated something completely different. Once exposed to local factors, imported models were usually modified or were completely transformed. Jakubowicz (2013) refers to 'ontogenesis' as an analogy illustrating how local media institutions pass through similar stages of evolution as media institutions did elsewhere, including long-established democracies, although perhaps more compressed and with outcomes that are difficult to predict (xvi). Other authors described the interplay of local factors and imported values and models as 'atavistic' or 'hybrid' (Jakubowicz and Sükösd 2008; Voltmer 2012, 2013). In order to understand the local dynamics of media change, in-depth contextualization and an understanding of the social construction of local media institutions (Irion and Jusić 2013: 18) are absolutely necessary.

MEDIA ASSISTANCE IN SERBIA

Media assistance to Serbian media appeared at the beginning of the 1990s. In general, it was a long-term process, of non-linear character, requiring different and contextually dependent approaches and strategies. It could be analysed through, at least, five phases (Marko 2013) significant for the socio-economic and political development of Serbia:

Phase of severely restricted access (1990–95) – This was a period of isolation, and access to donors and international organizations was restricted by the totalitarian regime of Milošević. Media assistance was of a non-systemic character, with no aim to attempt social or political changes, neither to initiate legislative and regulatory reforms. It mainly aimed at ensuring the operation and survival of independent media in an extremely hostile environment. The help to local media outlets was not categorized as media assistance, but rather direct supplies (usually papers for the newsprint) were classified as humanitarian assistance (Price 2002: 1). The Open Society Fund, the EU (through the International Federation of Journalists), the U.S. government (through the International Media Fund) and the Swedish Helsinki Committee (SHC) were the main donors. They directed support mostly to so-called independent media outlets, namely Studio B, Radio B92, *Vreme, Danas*, later Independent Journalist's Association of Serbia, and Mediacentre.

The post-Dayton phase (1995–98) – The Dayton peace agreement that officially stopped the war in Bosnia and Herzegovina opened a new phase in which the activities of international actors in Serbia became more focussed, coherent, coordinated and strategically oriented, aiming to help independent media to develop into active agents and to influence political changes. The most active international actors involved in media assistance programmes were Open Society Fund (OSF), EU (through SHC) and the United States Agency for International Development (USAID). This was the period in which donors started to coordinate their activities.

Kosovo crisis (1998–99) – During the Kosovo crisis and NATO (North Atlantic Treaty Organization) intervention in Serbia, the weakened Serbian regime imposed very strict laws to control independent media. In 1998, the Serbian regime introduced a draconian Public Information Law. During this phase, U.S.-based donors were not allowed to work in Serbia, but they continued to support anti-regime media from Budapest (U.S. Embassy) or

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from Podgorica, Montenegro (IREX). This period was also marked by a high degree of coordination among donors in order to enable support for independent media under such restrictive conditions.

Democratic changes and building an enabling environment (2000–08) – With the collapse of the Milošević regime, donors redirected their priorities towards democratizing Serbia. As a result, this phase was characterized by focussing on policy changes and on systemic reforms in the media sector, adopting media laws, setting the regulatory framework and implementing European principles in the domain of media. The EU started to gain a more prominent role in this phase, together with the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE) Mission, whose advisory and technical assistance roles were very important.

Economic crisis and 'partitocracy'[3] (2008–present) – The 2008 economic crisis resulted in the substantial shrinking of the media market, which instigated a new form of media dependency on state and business funding. During this phase, international donors decreased their investment and instead provided support for project-based initiatives. This was the case with the OSF, National Endowment for Democracy, Civil Rights Defenders, French government, Konrad Adenauer Stiftung Media Program (for the entire region) and others. Except for the EU, there was no strategically oriented and direct financial support for media development (Marko 2013: 26–28), which, among other things, provided support for the digital switchover process. In 2010, Serbia was financially supported with €10 million through the IPA fund, in order to build its digital network (Krstić 2014: 243). There is no precise data on the amount of funds directed to the Serbian media. As Rhodes estimated, until 2007 from the overall amount of recorded financial support for media in the Western Balkans (€269.2 million), Serbia received €44.9 million (or 17 per cent). Rhodes breaks down the distribution of this sum, as €26.4 million (58 per cent) for direct support, €13.1 million (29 per cent) for the media environment and the remaining €5.4 million for trainings (Rhodes 2007: 15). In sum, all recorded and estimated financial support for media in Serbia between 1991 and 2012 was roughly €90 million (Marko 2013: 26).[4]

During the 1990s, the U.S.-based donors played an important role in supporting and funding media outlets in Serbia, whereas in 2000 the EU through its specialized programmes and agencies took the leading role. In 1999 and 2000, U.S.- and EU-based donors jointly directed their efforts to empower independent media. The United States spent $1 million in 1999 through thirteen emergency grants, and this was matched by a significant EU effort – €1 million was spent on media support (McClear et al. 2002: 8).

The transformation of the former state and regime television into a public service started in 2000, and the EU assisted substantially the process of drafting legislation, offering expertise and regularly monitoring the process of development of the PSB into an independent and functional institution. In addition, both the CoE and the OSCE were very influential in the development of a regulatory framework and the introduction of European standards. OSCE and CoE experts helped in drafting the Broadcasting Act (2002), that served as the principal legal basis for the establishment of the PSB in Serbia (The European Parliament 2014: 70). At the same time, the EU developed policies on competition and state aid regulation, 'determined to prevent public funding from being used to distort competition within the private sector' (Jakubowicz 2011).

From 2000 till the time of writing, EU support for Serbian media amounted to around €20 million through the CARDS Programme specially set up to

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enable the countries of South-Eastern Europe to participate in the stabilization and association process, mainly through funding activities such as journalism trainings, the development of quality media production, investigative reporting skills and enforcement of media legislation. Most of the money was administered through the European Agency for Reconstruction (EAR) that invested, based on available data, €18.5 million in media support from 2000 to 2007. Half of this amount (€9.64 million) was spent on technical and logistical support, mainly for RTS (EAR 2008).

This section has shown how external actors approached the development of the Serbian media. In the 1990s the goal was to enable alternative voices in Serbian public sphere and to sustain operation of independent media in order to impact broader social and political changes. At the beginning of the 2000s, the focus was on building an environment for essential media reform. The new environment, media laws in accordion with European standards and regulatory framework provided a fertile ground for democratic institutions, such as PSB, to be established and further developed. This corresponded with the growing influence and support from the EU, CoE and OSCE, which provided advisory, technical, financial and supervisory assistance for the PSB.

THE CREATION AND REFORM OF PSB IN SERBIA

RTS is Serbia's PSB. The RTS was installed as a public service provider in the Broadcasting Act (2002) and has relied on a licence fee funding system in order to avoid dependence on state funding. It was formally established in 2006. It broadcasts on five television channels (RTS 1, RTS 2, RTS3 – former RTS Digital, RTS + and RTS HD) and four radio channels (Radio Belgrade 1, 2, 3 and Belgrade 202). At the time of writing (2015) it employed almost 4000 people. Apart from RTS, the Broadcasting Act set the ground for the Radio-Television of Vojvodina, a regional PSB in the Autonomous Province of Vojvodina, to be established and start with its operation.

The transformation of state radio and television broadcasters into public service ones started in 2000, after the fall of Milošević's regime with the building of an environment, both legal and regulatory, that enabled the PSB's establishment and operation. The transformation of RTS into a PSB, however, was effectively delayed until 2006 when a new management board was appointed. The new RTS management and its donors faced a big task since it had lost its reputation during the 1990s, its infrastructure was severely damaged,[5] and much of its audience had migrated to commercial channels. Particular emphasis was put on improving its human resources and news programming.

This section analyses three elements of RTS transformation: the formal settings and guaranties of the RTS status and institutional independence, its practical operation and the role of media assistance. The analysis is based on close examination of legal and policy documents, a review of existing research on the PSB in Serbia and its transformation and re-analysis of data from previous studies on the role of media assistance in developing functional media institutions in Serbia (Irion and Jusić 2013; Marko 2013).

Governing and regulating RTS

Transformation of the former state- and regime-controlled radio-television was among the most important tasks at the beginning of democratization in Serbia, in 2000. Various forms of support were provided to set up the necessary

5. In 1999, when the Kosovo crisis took place, NATO identified the broadcaster's headquarters as a legitimate target. In what is by many considered a violation of the Geneva Conventions, the main RTS building was bombed on April 23, 1999, leading to the death of sixteen employees and estimated damage of around €530 million (Public discussion 2001).

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environment for the PSB, and the legal transformation of the PSB became an important indicator for Serbia's success in the path of European integration, as the EU regularly monitored the process and pushed for changes. Local and international media experts, with the support of domestic politicians, drafted the first media laws, including the Broadcasting Act (adopted in 2002) that provided a legal basis for the PSB creation and further transformation. Institutional and financial independence were among the most important achievements of this legislation, and guarantees that the PSB will fulfil its remit in a new, democratic environment.

The principal and supervisory organ of the RTS is its Steering Board whose members are appointed and dismissed by the Regular Broadcasting Agency (RBA) under conditions stipulated in the Broadcasting Act (2002). A committee member serves for five years, and the same person may be appointed for a maximum of two consecutive terms. The director general serves a four-year term, which can be renewed once. From 2004 until his sudden death in 2013, Aleksandar Tijanić served his third consecutive term. He was considered a controversial person, usually criticized for his performance and political affiliations, as well as for the personalized and non-accountable style of managing this public media. However, his supporters argued that he was a good manager who dealt with serious problems very capably.

Formal arrangements, which were crucial in securing RTS's independence in decision-making and finances, were set up in the Broadcasting Act. In terms of managerial and operational independence, RTS's decision-making structure is protected at two levels. The director general is selected from qualified applicants in a public competition run by RTS's Steering Committee, which is, in turn, formally separated from any political office. The responsibility for the appointment of other managers is shared between the director general (proposals) and the management board (appointments).

The Broadcasting Act stipulates RTS's financial independence from the state, prescribing revenues from license fees and commercial advertising. RTS is also entitled to produce and sell specialized radio and television programmes, audio-visual content, sound and picture carriers, programming services and organization and filming of public events. In line with international principles (Council of Europe Recommendation 2012), Serbian legislation ensures the editorial independence of PSBs. Article 78 of the act compels PSBs to ensure that their programmes, particularly news and current affairs, are free from the influence of authorities, political organizations or centres of economic power. The principles of impartiality and objectivity are stipulated in article 79. In practice, however, there are no guarantees of independent editorial policy – these are not specified in laws or in RTS's internal documents.

According to Matić and Valić Nedeljković (2014a), Serbian PSBs did not operate in an accountable manner at all. Initial legislation on PSB lacked defined programming requirements and measurable obligations, procedures for an assessment of the fulfilment of the PSB remit and sanctions for failures. Detailed regulation of the jurisdiction of management bodies and the competences of their members were also missing. This legislation did not stipulate mechanisms for the transparency of RTS's financing and business operations (Matić and Valić Nedeljković 2014a: 364).

In August 2014, the new Law on Public Media Services was adopted by the Serbian National Assembly. It was mostly created and enacted by local actors (experts, professionals and politicians), whereas external actors simply

monitored the process and partly advised decision-makers. New legislation introduced the public interest in a more clear, but still diffused, way; made some procedures, such as for the selection and dismissal of governing bodies, more strict and clear; and introduced budgetary funding as a trial solution until the tax that will replace licence fee is introduced at the beginning of 2016.

Operation of RTS

In practice, RTS's operation is not transparent, and accountability to the public is not embedded in any mechanisms. In addition, 'RTS was shattered by several scandals which questioned the way it spends public funds (a fraud in conducting a game program, controversies over the costs of Eurosong organisation, salaries of prominent TV personalities, etc.)' (Matić and Ranković 2010). In its report, the Serbian government's Anti-Corruption Council identified RTS's problems as most significant, stating that 'instead of being a public service, it served the interests of political parties and ruling elites' (Anti-Corruption Council's Report 2011: 3). Reporting on PSB performance can serve as a mechanism of public control and accountability, but there is no evidence that this has been sufficiently developed or respected by RTS officials. Despite obligations to produce financial reports and make public minutes from the meetings of many bodies within its governance structure, RTS's management has refused to comply with the Law on Free Access to Information of Public Importance, and it has not enabled the public to scrutinize how RTS uses public funds. According to the previously mentioned Anti-Corruption Council's Report, this 'puts into doubt its [RTS] ability to fulfil the most important tasks of this public service, one of which is the fight against corruption' (Anti-Corruption Council's Report 2011: 37). Recent evidence demonstrates the lack of transparency, credibility and independence in the work of RTS's Steering Board, until 2013. In spite of the fact that the statute of the RTS defines mechanisms for control of the director general by the Steering Board, it was not the case in practice. The Steering Board was marginalized, dominated by the director general and his unilateral decisions and acts, undermining one of the key structural elements set up to ensure RTS' independence. The study of minutes of the RTS Management Board meetings in 2012 and 2013 concluded that the board did not have a single serious and expert debate about any agenda topic (Aksentijević 2015: 25).

In addition, RTS's financial stability and independence have not been ensured, and a lack of transparent data is one of the elements of this problem. 'Its annual financial report indicates only a number of employees and total sums of revenues and expenditures without being transparent regarding the structure of revenues and expenditures, loans and debts, financial contracts, subscription fee payments, investment in programming production, salaries of journalists, or on decision making concerning programming and business operations' (Matić and Valić Nedeljković 2014a: 365). Its former general director, Aleksandar Tijanić (who served three consecutive terms, from 2004 until his sudden death in 2013), repeatedly admitted in public that RTS is not financially sustainable, and for its operative costs needs over €100 million, while the available budget for 2013 is €68 million. According to available documents and reports, the budget for 2011 was RSD 13.380 million (€128 million), for 2010 RSD 13.587 million (€129 million) and for 2009 RSD 13.087 million (€137.7 million), which questions the earlier-mentioned amount for RTS operation (The Serbian Business Registers Agency 2010, 2011, 2013). Recent report of

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Year	Licence fee	Marketing and commercial activities	Total
2011	118	24.1	142.2
2012	108.4	24.7	133.1
2013	109.2	18.3	127.5
2014	62.5	14.9	77.3

Source: Anti-Corruption Council 2015, p 76.

Table 1: Incomes of the RTS (2011–14), in EUR millions.

the Anti-Corruption Council indicated that RTS incomes (both from licence fee and from total) were far higher than former general director represented. According to this report, in 2011 alone the total income for RTS was €142.2 million, of which €118 million was from the licence fee. This amount slightly decreased in the following years (see Table 1).

A serious drop in funding resulted from a dramatic decline in finances raised through the licence fee, RTS's primary source of financing. The collection of RTS's licence fee has not been successful in the past few years. Due to serious economic problems and many other reasons (non-competitive and commercialized programmes), the collection rate[6] dropped considerably – in 2011, out of 2.5 million reported citizens, 41 per cent were paying it, whereas other sources listed only 37 per cent (Marko 2013: 8). In 2009, RTS launched a campaign to collect outstanding debts, but there is still no agreement among experts on the legal justification for this move. There was a discussion on the principles of PSB financing, with some high-ranking politicians favouring the abolishment of the RTS subscription fee altogether. OSCE and the EU opposed any permanent solution that would involve direct funding from the state budget, because turning to the state as a source of funding could make (and did make) PSB exposed and vulnerable to political pressures (ANEM 2014). However, despite this serious objection, in August 2014 the Serbian government abolished the licence fee and adopted a set of new laws regulating the work of media. With the licence fee abolished, it was decided that public service broadcasting will be financed from the budget until 2016 and after that will receive money from a tax paid by the citizens.

RTS has nevertheless managed to become a popular media institution in Serbia. Its channel RTS 1 had the largest audience in the country from 2006 to 2012 (except for 2010), with a 20–26 per cent audience share. In 2013, ten of the twenty most popular television shows were aired by RTS, including its prime-time news programme (Matić and Valić Nedeljković 2014a: 363). RTS 1 competes with commercial channels by providing a considerable amount of entertainment programmes. In 2009, research on the programme diversity of the leading six television stations in Serbia indicated a high degree of similarity between the programmes of RTS 1 and B92 (Matić 2009: 24–69).

Monitoring and evaluating RTS's operation has not been conducted on a continuous or systematic basis. It was rather an ad hoc effort, performed by civil society organizations and the regulatory agency supervising RTS. The RBA published reports on RTS's compliance with legal and programming obligations for 2010 and 2011. In 2011 it concluded that RTS had failed to fulfil its legal obligation to broadcast independently produced content; on

RTS 1 it made up 6.27 per cent of content compared to 7.4 per cent on RTS 2, in both cases well below the legally prescribed minimum of 10 per cent. In terms of genres, news and current affairs remain the dominant content on RTS channels, accounting for almost half of the overall programming on RTS 1 (Republic Broadcasting Agency 2011).

Media assistance and RTS

Technically devastated, with a bad professional reputation, too many employees and no financial or development strategies, RTS seemed at the beginning of the 2000s to be in need of a kind of 'shock therapy'. International assistance was important in this regard. In terms of legislation, international experts assisted substantially in the process of translating European standards and practices into local laws. Grants provided by the EU have been directly invested in improving technical conditions and purchasing modern equipment, aiming not only to repair the damage from 1999 when RTS building was severely destroyed by NATO bombing, but also to empower this public media in technical sense and prepare it for digitalization. On the other hand, many employees of the former state television were not skilled enough to work within new, improved conditions, and training for both, editors and journalists, was crucial to improve their reporting and professional skills.

While drafting the new legislative framework, experts from the EU, CoE and OSCE assisted local ministries and working groups in the process. Since its establishment in Serbia in 2001, the OSCE Mission has been acting as an implementing agent of the project of assisting the transformation of RTS into a PSB. The Mission's Media Department, in close cooperation with the EU and the CoE, assisted in drafting and amending media laws to meet international and European standards. In 2002, an OSCE office was opened on RTS premises, and the organization concentrated fully on RTS in its political lobbying and financial requests (OSCE 2013).

Since 2001, international actors substantially supported RTS reform. The approach was multi-layered, combining various activities such as consultant, legislative, institutional and technical, in the domain of training (for managers, editors and journalists). Even an external audit was conducted. The assistance to RTS was coordinated, and the EU – through various programmes (CARDS, IPA), sub-contractors (BBC, IREX, audit companies) and partners (CoE, OSCE) – was its main driver. The most intensive support was provided at the beginning, when the normative provisions were set, and during the initial transformation phase (from 2001 to 2006).

According to available data, from 2001 to 2008, the EAR supported RTS, with €3.5 million mainly focussing on technical assistance. In 2001–02, EAR invested almost half a million euros in an external audit of RTS. In 2003, it spent €1.1 million on production equipment and in 2004 almost €2 million on equipment and technical assistance. While the technical assistance programme was implemented through the BBC World Service Trust (it cost €895,000), three different sub-contractors implemented the projects of supplying RTS with IT equipment.

In 2007, the BBC World Service Trust (under EAR's umbrella) launched an extensive training programme for RTS. Its aim was to assist RTS's transition through consulting on financial management, sales and marketing strategies, as well as professional development opportunities for journalists. As a project

partner, IREX Europe was responsible for organizing training in several areas, including financial management, on-air branding and promotions, programme scheduling and audience research. There have been more than 730 training places provided during the project's 30-month lifespan involving more than 100 journalists across television and radio and more than 100 production and technical staff (IREX 2012).

Research on media assistance to RTS indicated some palpable results. In terms of technical assistance, the working environment and technical conditions were significantly improved. Two years of intensive training by the BBC Trust left RTS's staff with improved journalistic skills. RTS is now producing news and current affairs programmes that are more professional, with more human stories and more relevant to its audience (Knežević 2012). In interviews, most of the 164 journalists participating in training expressed overall satisfaction, while some thought that BBC instructors did not consider specific circumstances under which Serbia's media operate. Others disliked it as training primarily targeted journalists and training for technical staff (mainly editors) was at beginner level. Some pointed out that 'it is hard to understand the adoption of someone else's principle of work and creation of BBC's child out of RTS' and 'many things we learned are impossible to implement in a conglomerate like RTS'. Only 7.14 per cent of editors and 8.7 per cent of cameramen thought the training improved their skills (Knežević 2012: 132, 135).

The way in which the training translated into RTS's actual operation was studied by Radovic and Luther (2012). Comparing newscasts from the 1990s to those from the 2000s, the authors found improvements in newscasts. According to their research 'the newscasts (observed from 1989 to 2009) had changed, making them appear Western in style' (Radovic and Luther 2012: 245), however with elements of Serbia's older news practices still remaining. Improvements could be observed in the length of newscasts, of official stories directly covering the ruling elite and of social stories as lead stories in the newscasts (2012: 253–54).

CONCLUDING REMARKS

When it comes to external support, the idea of a PSB was introduced in Serbia in two ways. On the one hand, the transformation of the former state-controlled public media was an official requirement of the EU for all potential candidate states, including Serbia. This was especially scrutinized in regard to funding, taking into account European regulation on the state aid and policies aiming to regulate competition on the media market. On the other hand, media with public status, controlled and funded by the public, has been considered as an important vehicle of democratization.

The Serbian case suggests that externally driven transformation needs both, time and domestic support, for the success of media development. In the terms of time, democratic transformation in Serbia started only in 2000, and for a very short period of time Serbian authorities were expected to adopt a lot of new legislation and policies, to set new institutions. During this intensive period of reforms, the country was overloaded with demanding systemic changes in the media sector, including the creation of an entirely new legislative and regulatory framework that was considered important for the PSB creation and operation.

When it comes to authorities, it is mainly tied with the dominant political culture and personalized style of governing (neglecting procedures and

legislative obligations, which could be seen as the legacy of socialism). The practice demonstrated that it was not enough only to adopt legal norms in order to fulfil specific requirements and conditions such as those linked to the EU accession process. In practice, such arrangements often failed to make an impact due to the dominance of informal practices (Zielonka and Mancini 2011), resulting in a selective application of laws and procedures. As a result, initially enacted legal norms, such as the Broadcasting Act from 2002 and its articles that regulated the institutional independence of the RTS, were repeatedly changed and amended. This resulted in decreased independence of the PSB in Serbia in both, legal norms and practice.

Assistance in terms of consultancy and knowledge transfer was important at the beginning when new media laws and regulatory framework were prepared. Experts from the EU, CoE and EU played a crucial role in this phase, working together with local experts – mainly media scholars and professionals – on translating European practices and standards into Serbian media laws, especially those defining the status, role and operation of the PSB.

The external financial assistance for the PSB and its transformation was crucial from a technical aspect. PSB in Serbia has entered the process of transformation with severely damaged infrastructure (as result of the NATO strikes in 1999), old equipment, under-skilled journalists and managers and many other problems. Playing a crucial role from 2000 until today, the EU through its specialized programmes and agencies (CARDS, IPA, EAR) substantially supported the technical aspect of the PSB transformation. When it comes to empowering management, editors and journalists, a crucial role was played by BBC professionals who were engaged on several occasions to prepare RTS staff for work in a new environment.

What could be learned from the Serbian experience is that for meaningful reforms time is needed and the establishment and transformation of a media institution additionally demands a changed environment. Constant legal changes, neglected economic aspects of media development, various forms of dependence on local and external support for media and the substantial expectations that PSB will operate once it is established resulted in only partial success with the PSB establishment and transformation.

Overall, the success of reforms was limited by the lack of a long-term strategy on the part of the major donors and development agencies. International assistance programmes are working in many other countries to transform state broadcasters or create new PSB systems, many in countries that are similarly new to multi-party competitive democracy. Such programmes could learn from the Serbian case that there is a need for a prolonged engagement of donors and international actors and attention to political will in respect to key media institutions such as PSB, as these institutions can be constantly challenged by ruling elites. Such efforts also need to entail elements of international and local monitoring of the government's actions towards these institutions that can continue once the assistance programmes are discontinued.

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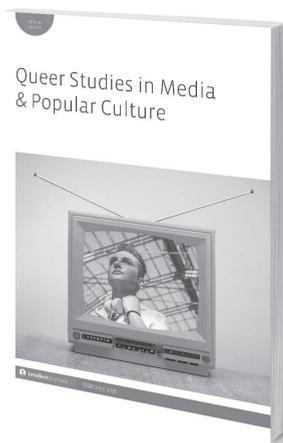
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The replacement of media policies with (media) entrepreneurship policies: A view from Europe's periphery

ABSTRACT

Estonia is recognized for its optimism with regard to Information and Communication Technologies (ICTs) – the country has benchmarking online services, and the number of start-ups per inhabitant is the highest in Europe. The ways this enthusiasm is translated into its audio-visual policy is the topic of this article. Estonia's internal market for audio-visual services is very small, and this limits the degrees of freedom for its institutional actors – commercial broadcasters do not drive market innovation. Yet the responsibility of public service broadcasters for innovation coordination is not recognized in Estonia's policy frameworks. In contrast, many new initiatives are funded that are aimed at supporting the cooperation of the audiovisual industry's small and medium enterprises (SMEs) with ICT sector. Such initiatives rely on the hope for scalable returns to national gross domestic product (GDP) rather than generating diversity in media. Yet these measures suffer from structural constraints that limit the growth of media SMEs in small peripheral countries. This article raises related issues for both national and European policies.

KEYWORDS

coordination failure
ERR
Estonia
independent
   production
innovation
public service
   broadcasting

INTRODUCTION: THE MARKET SITUATION

Estonia is often praised for its e-governance and optimism with regard to ICTs – it is recognized for its public online services, and the number of start-ups per inhabitant is the highest in Europe. One could assume that the same, then, applies to its audio-visual sector. Partly this is true – for instance, ERR's (*Eesti Rahvusringhääling*, Estonia's Public Broadcaster) activities online are comparatively advanced. As Estonia's media market is very small (with a small number of core players) and the general expectation in the country is that public institutions need to provide extensive services online, it has resulted in ERR's private competitors being rather relaxed about its rich online offering and do not fight against it (which is often not the case in bigger European countries). ERR has a portfolio of thematic portals and award-winning mobile apps; all the radio and television channels are available for live viewing online, with unprecedentedly rich options for catch-up viewing; and almost all of its digitized archive content is available for viewing too. It can be suggested therefore that similar to some other European countries (Bechmann 2012: 903), in Estonia also it is the public broadcaster that drives innovation and experimentation with cross-media strategies in Europe. Without ERR there would be no commissioning of such 'convergent content' from independent content providers. As demonstrated by Bennett et al. (2012: 6), there is evidence that such a function could be carried out with positive results. They found that the two large British public service broadcasters (PSBs), which are committed to multiplatform commissioning, have effectively 'incubated' a number of new companies dedicated to digital content and have more broadly generated economic value and growth in the independent sector.

Yet in this context we should still investigate the practices of commercial broadcasters and online publishers that might drive market innovation. The broader context for this question is the size of the Estonian advertising market – €88.05 million in 2014 (TNS Emor 2015). This is very small compared to the core European markets (for discussions of size and smallness in television markets, see Puppis 2009; Lowe and Nissen 2011). What is more, in general the advertising market and therefore commercial broadcasters also suffered greatly from the recession and have still not recovered – the market has been growing only a couple of percentage points per year recently (after a nearly 50 per cent drop in 2009–10) (TNS Emor 2014). Furthermore, although the number of television channels has been on the rise (i.e. in the cable television sector), the share of television advertising has been on a slow decline – constituting 32 per cent in 2013 (TNS Emor 2014). That is, the two major commercial television broadcasters (Kanal2 and TV3) have not been in the position to drive the market with innovative and experimental content in recent years. Their strategy has been instead to rely on the internationally tested major international formats to deliver them mass audiences (see Rohn 2014). Next to traditional broadcasters the various providers of online news and other media content have been stepping up and starting to provide audio-visual content. Their share of the advertising market has demonstrated gradual growth over the years. What they also recognize is that video content has been attractive among their audiences. Therefore, they have been motivated to increase their video offering. Yet most of the video content they provide has been rather trivial news content or live streaming of events. No advanced fiction or non-fiction content from independent producers has been commissioned. Yet, similar to Netflix and Amazon, Estonian online providers

and telecommunications operators (with video on demand [VOD] services) have suggested they may look into investing in original programming in the near future. For the time being, however, it can be concluded that despite the general ICT optimism the small size of Estonia's internal market for audio-visual services has limited the risk acceptance and capacity to drive innovation in Estonia's existing private media companies.

NEW POLICY RATIONALE? FROM MARKET FAILURE TO INNOVATION COORDINATION FAILURE

Although the budget of ERR has been the smallest among Europe's PSBs, local market limitations suggest that it may need to take a more central role in facilitating the emergence of an innovation-oriented media production ecosystem. But that would also mean that the market failure logic, the classic rationale that PSBs will need to intervene when the market fails to deliver, will need to be replaced by a different rationale. I propose for consideration an alternative rationale that builds on the evolutionary economics view on national innovation systems. According to the authors of the concept, Christopher Freeman (1995) and Bengt-Åke Lundvall (1992), the national innovation system is constituted by interconnected private and public institutions such as commercial enterprises, start-up companies, universities, investment banks, libraries, and business incubators. When such a system is well *coordinated,* it starts facilitating the emergence and diffusion of new technologies, which then, effectively, will start contributing to the national gross domestic product (GDP). This theory has been more recently extended by Jason Potts (2007), who has been suggesting that in the national innovation systems conceptualization arts and creative industries should be included, since it is the dynamic cultural scene that facilitates the accumulation of new perspectives and therefore the emergence of new ideas in a society. Furthermore, arts and creative industries also facilitate the adoption and retention of new technologies in society. That is, according to the 'cultural science' (an approach that combines evolutionary economics with the ideas of cultural semiotics and cultural studies) view, there are constant feedback loops between arts, sciences and engineering that then facilitate the general evolution of societies and economic systems. Potts emphasizes that to the logic of innovation systems what is the central policy concern is not market failure, but coordination failure – whether or not the feedback loops among the different constitutive institutions and societal domains work well to facilitate information exchange and therefore growth of knowledge.

Potts et al. (2008) have also maintained that especially in the digital era it is also the various kinds of network facilitators that take responsibility for such coordination failures to not happen. Returning to the case of Estonia and its audio-visual industries, I suggest that especially in such small peripheral markets it is the public service media that could take the role of such network and market coordinator. There is evidence in Estonia already that the coordinated actions of ERR's various television, radio and web channels (mostly promoting new artists and a variety of genres) have facilitated the emergence of a new wave of Estonian pop music. It would therefore be timely to start reimagining the broader ERR remit as the central coordinator of the audio-visual production system with the aim to facilitate the emergence of a more innovation-oriented production system in which cultural diversity and dynamics would be an important side effect. This could be achieved by making it

commission more from independent providers and thereby to commission more experimental and innovative content and services. Its production facilities could be used more effectively by the independents, and it could simply promote and raise awareness about the audio-visual culture more systematically.

I suggest that such redesigning of ERR's remit would be timely since, as our (Ibrus and Merivee 2014) recent study indicated, the momentum is there – there is some readiness within ERR to go that way, both to innovate more in-house and to create incentives for independents to offer innovative content. Yet, as we also demonstrated, despite the momentum there is also a lot of confusion within ERR with regard to its general functions and strategic goals, especially regarding innovation and activities on networked platforms.

ESTONIA'S INDEPENDENT PRODUCERS AND THEIR INNOVATION PRACTICES

There were 363 audio-visual content production companies (the statistic does not separate between film and television production) officially registered in Estonia in 2011 (Eesti Konjunktuuriinstituut 2013). This number has seen a steady growth, indicating the gradual fragmentation of the industry towards smaller companies – that is the majority of professionals striving to have their own company (Ibrus et al. 2013). The gross income of the subsector was €50.7 million. Public funding for film production constituted an additional 12.3 per cent (€6.2 million). The gross profit of the audio-visual sector companies was €3.5 million, constituting 0.08 per cent of Estonia's private sector gross profit. At the same time, the AV sector turnover constituted 0.12 per cent of private sector turnover in 2011 (Eesti Konjunktuuriinstituut 2013). This difference points to comparatively lower productivity in audio-visual content production in relation to the rest of the economy. The main source of business revenues is the production of television commercials and other television content. Incomes from ticket sales, VOD services and DVD or broadcast licence sales may vary, but is not always insignificant. Yet the home market support for the industry has its natural limits, and therefore, the need for more effective export activities is a widely recognized objective.

Yet exports have been rather limited. Although Estonian films have been received well in festivals (including Golden Globe and Oscars nominations), there have be no significant financial returns from international markets. Also the export of television content or formats is very rare – mainly due to a lack of cooperation with international distributors (effectively still conditioned by the lack of skills and contacts needed to participate in international markets effectively) as well as the small market affording relatively limited production budgets that produce limited quality and low export value. What has been growing (with policy support) is the provision of production services to foreign films and television series. The rationale behind this is that, since it would be difficult to increase public funding for film and television production, therefore the only way for the local industry to grow institutionally stronger is to provide services to others, acquire new skills and contacts and make ends meet.

Related to this generally accepted goal to export more is another tendency. Since the broader policy to increase public funding for audio-visual production has been unpopular among the political class, the new rationale developed by the sector's governing organizations has been to find new financing and growth opportunities from cooperation with the ICT sector. Therefore, one can observe the emergence of a mindset and activities that are aimed at

supporting innovation by directly targeting the small independent providers and media sector start-ups. The specific emphasis tends to be on supporting cooperation between the audiovisual industry's SMEs and the ICT sector aimed at facilitating various forms of cross-innovation, cross-media production and so on. Using EU structural funds, several new schemes such as those in support of clustering and incubation have been set up that fund such enterprises. In addition to direct funding for companies, new study curricula with a focus on entrepreneurship and digital skills are funded, among other related initiatives. Such initiatives typically rely on 'digital creative industries' policy discourses that have an explicit neoliberal ethos and build on the hope for scalable returns to national GDP rather than generating plurality or public value in media.

Yet, as we have demonstrated (Ibrus et al. 2013; Ibrus and Ojamaa 2014; Ibrus 2016), these initiatives suffer from structural constraints that limit the growth of media SMEs in small peripheral countries. For instance, we have observed how the existence of such funding schemes often becomes an important stimulus for the generally underfunded film sector and is therefore eagerly used. Yet these can also become a source of new frustrations and tensions, since most industry professionals do not have the skills needed or even an understanding of the new opportunities of digital distribution, cross-innovation, cross-media production and so on. Acquiring new skills and knowledge is not only time-consuming but also costly and therefore constitutes significant thresholds for micro-sized production companies that operate in limited markets.

Furthermore, it is paradoxical that although the creative industries' policies presuppose growth in the sector, especially occasional scalable growth among start-up companies, and assume that this growth can be achieved by external support for these start-ups, it may be difficult to attain. Even if audio-visual industry SMEs undertake experimentation and try to innovate with digital forms and online distribution, eventually it is difficult for them to gain traction in the saturated Internet marketplace of the 'attention economy' (Goldhaber 1997) era. Larger brands or companies that control assets across media boundaries (e.g. own television channels, newspapers, online portals) are simply better placed to use their marketing muscle and keep the audiences engaged with their own provision of content, which is to say that cross-platform business modelling may indeed be enforcing the path dependencies of the oligopolistic market structures. There is evidence (Ibrus 2012) that even if the small independents have been considering trying to make it alone, they soon retreat under the helms of large brands and broadcasters. However, at the same time, the bigger players, including the PSBs, have learned their lessons about the cost-effectiveness of digital multi-platform productions, for instance that high costs are not necessarily reflected in audience numbers, and they therefore take care to produce only small numbers of blockbuster products – heavily marketed content brands. And they do it mostly in-house. The Estonian ERR also tends to be very hesitant to commission content for online audiences from independent content providers.

In addition, there is the current practice of PSBs to keep the intellectual property rights for content that they themselves do not fully exploit. This in turn limits the opportunities for independent content providers to have autonomous operations. What is at stake here is the potential for the kind of 'serialization' that is generally associated with cross-media/transmedia-like productions – certain narrative/intellectual property derivatives across multiple

platforms of which the television component commissioned by a television channel may be only one. Such serialization as it builds on the fan engagement with the familiar brands or storylines across platforms has the potential to secure longer-term stability for independent producers. As such, transmedia could empower independent studios – the companies that traditionally used to apply for resources from external public funding schemes could now build on their intellectual properties and generate new revenue streams and autonomous income. Yet, as our research demonstrated (Ibrus and Ojamaa 2014: 2295), similar to the situation in the United Kingdom (Bennett et al. 2012), the limited remit of ERR also means this potential remains to be fulfilled. This could be understood as another example of coordination failure.

CONCLUSIONS

What this analysis suggests is that, despite the promises associated with digital distribution and start-up culture, the dynamics – at least in Europe's small peripheral media markets – are still shaped by the classic drift of media markets towards oligopolistic structures. Encouraging innovation and diversity will require more comprehensive policy changes than just loose measures aimed at pouring small pots of funding into the sector to encourage entrepreneurial spirit of independent studios and designing the media production institutional landscape by taking the start-up scenes in other sectors and bigger countries as an example. It is therefore of importance that future regulatory activities on the European and national levels take these vulnerabilities into account. What is needed is not only to continue the work on new kinds of educational programmes for media professionals but also to facilitate better access to markets for audiovisual industry SMEs. The latter objective should be of especial importance in negotiating the terms of EU's Digital Single Market reform.

Furthermore, the roles of PSBs as coordinators of media innovation systems, especially in smaller markets, need to be recognized. To an extent, these roles are carried out to positive effect already, but this function could be strengthened by reconceptualising PSBs as interventions aimed at neutralizing 'innovation coordination failures' in contemporary national media systems. The remits of PSBs need to be redesigned to require them to take direct responsibility for wider media production ecosystems, for instance enabling them to share intellectual property rights with independent providers.

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What the Macedonian phone-tapping scandal tells us about clientelism in the media

ABSTRACT

We focus on the method of rule of the last Macedonian government led by the right-wing VMRO-DPMNE with respect to (TV) media-political clientelism. An ongoing phone-tapping scandal has made overt what past research has only suggested was taking place – that the new 'phase' of the patron-broker-client relationships in the country has suppressed rational legal authority to the extent that it has shaken the very core of state institutions' legitimacy. Since 2006, a reordered media-political clientelism gradually enabled the emergence of a propagandistic media setting, which in turn facilitated a lack of public resistance to party's colonization of the state and enabled its move towards an authoritarian fashion of rule. We claim here that in the regime's manner of rule, the journalists and media professionals played the role of both victims *and* collaborators.

KEYWORDS

clientelism
hybrid regime
Macedonia
media
phone-tapping
SDSM
state capture
VMRO-DPMNE
DUI

PARTY'S COLONIZATION

On 9 February 2015 the main opposition party in Macedonia – the Social Democrats (SDSM) – began publishing series of audio-recorded conversations it claims were acquired by a whistle-blower from within the Macedonian

intelligence service (UBK). The scandal marked the tipping point of a lengthy political crisis that had begun on the 24 December 2012, when members of the opposition and journalists were dragged out of Parliament during a national budget vote. The answer to the questions concerning who is responsible for the phone-tapping and what was the operational location from which it was executed are of great importance. However, the *content* of the published recordings is of even greater significance still.

During the past months, audiences of the very few non-government-controlled (mainly online) outlets in the country have had the opportunity to listen to conversations featuring members of the ruling political party, including the prime minister, the minister of the interior and the head of the UBK. Many of the conversations seem to be evidence of widespread election fraud in the past few electoral cycles on national and municipal levels. They also indicate the head of the UBK's involvement in puppet appointments of main judicial office positions, which were consequently used for an extensive misuse of authority. The tapes also seem to provide evidence of instrumentalization of the police, racketeering and conspiracies to conceal murder cases by members of the police, misuse of the legislature and judiciary, multiple shady real-estate deals with the prime minister's involvement and so on. In other words, the tapes suggest that the legislature, the judiciary, the police and the business sector have all been colonized by the ruling political party to the extent that there is no legitimate authority left to reboot and purge the system.

Successive international and domestic reports (Nikodinovska and Šopar 2012; Ordanoski 2012) have previously warned of state capture and pseudo-democracy in Macedonia. The 2014 Progress Report of the European Commission claimed that there is a 'blurring of state and governing parties' (European Commission 2014: 8). The 2014 and 2015 *Nations in Transit* Freedom House Reports went even further, deeming Macedonia a 'hybrid regime' (Freedom House 2014; 2015), meaning that the state manifests authoritarian particularities (Menocal et al. 2003). The years prior to this assessment, Macedonia was categorized by Freedom House as a semi-consolidated democracy. All these conclusions, however, were based on in-depth interviews and somewhat ad hoc data analysis, and were therefore often imprecise or cautious in their assessments. The phone-tapping scandal reveals the severity of the problem and provides evidence of the extent to which the state has been hijacked by a clique serving the interest of the ruling party and its leading figures, with the broadcast media playing an important role.

DANGEROUS LIAISONS IN THE BROADCASTING SECTOR

A key target of the party hijack, the tapes show, has been the media sector. Not only were the phones of around 100 journalists and editors tapped, but also some of the conversations reveal direct transactions and reciprocal relationships among editors, media moguls, politicians and intelligence officers. These conversations also confirm the coercive nature of the political power towards journalists. Journalists and media professionals in this respect play the role of both *victims* and *collaborators* in the methodology of the regime.

Broadcast media are the main target of political colonization because their influence in the country is the strongest. In its market analysis for 2013 the regulatory authority published that television is still the most important source of information for the audience in Macedonia. According to the audience

research commissioned by the regulator in 2013, 79 per cent of respondents said that they were regularly informed about the domestic and foreign events from television (Agency for Audio and Audiovisual Media Services 2014: 60). The published tapes of hundreds of conversations provide evidence affirming the findings of previous research done on media-political clientelism in the country (Šopar 2005, 2008; Beličanec and Ricliev 2012; Broughton Micova 2013; Trpevska and Micevski 2014). The tapes indicate that there is a consolidation of power over the media by the ruling party. In the context of a thoroughly captured regulator, the conversations recorded in these tapes show exactly how state officials have been using state-funding advertising and 'client' media owners and thus all media professionals. At the same time there is little capacity to counteract the kinds of actions evidenced on the tapes because of a parallelizing of professional journalistic organizations and direct pressure on individual journalists and editors.

REGULATORY CONTEXT OF CAPTURE

Since 2006, the VMRO-DPMNE-led government has continuously made attempts to colonize the media sector and to gain influence over the work of the regulatory body. In 2011 it finally succeeded in seizing control over the Broadcasting Council by changing the Broadcast Law to increase the number of council members from 9 to 15. Under the pretext that the change would increase efficiency, the council was expanded, allowing the inclusion of individuals sympathetic to or 'clients' of the ruling coalition – the ruling coalition thus got a political majority within the Council that could outvote the members that it considered close to the political opposition (Nikodinovska and Šopar 2012: 23). This situation was politically utilized soon after: the Government decided to close down A1 TV, the leading critical television station, by prosecuting its owner for evasion of taxes. At the time A1 TV had the largest viewership and was the loudest openly critical media organization. In the council the new members outvoted the opposing side, and later on, the Broadcasting Council withdrew the licence of A2 TV, the satellite television station linked by ownership to A1 TV. The new Law on Audio and Audiovisual Media Services, adopted in December 2013, has a modified model of the regulatory authority. The Broadcasting Council was transformed and renamed the Agency on Audio and Audiovisual Media Services, with two decision-making levels: director and Council of the Agency composed of seven members. Most of the new appointed members of the council were considered to be close to the ruling coalition, which was evident later in the way they awarded new licences for television and radio (Nikodinovska 2015), turning them into clientelistic commodities.

ON TAPE – COLONIZATION MECHANISMS

Academics and civil society groups have long argued that one of the core instruments of party/state colonization of the television sector in Macedonia has been state-funded advertising and re-clientelization of media professionals, but the recorded conversations released in early 2015 provide clear evidence of how this has been executed. In 2008, the government became the second-largest advertiser in broadcasting, spending just under €390 million in state-funded commercials (Broadcasting Council 2008: 80). This happened immediately after the country was denied NATO accession in 2008, fostering an inflation of nationalism in a bid to retaliate against Greece. Society

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witnessed a discursive mobilization along nationalist lines in which the utilization of media was decisive. State advertising peaked when the ruling party's infusion in the television industry in 2010 reached €579 million, even though it dropped to the eighteenth place on the advertisers' expenditure list (Broadcasting Council 2010: 58). Since then, the amount varies between €400 million and €500 million, rendering the government among the top five advertisers in the television industry. The effect of this is that the government basically 'owns' the most influential television stations by creating a strong patron-client bond with their owners and editors. Two television stations had the largest share of total advertising revenue in 2012: Sitel – 39.69 per cent and Kanal 5 – 18.73 per cent (Broadcasting Council 2012: 10). The owners of the most influential television stations as the main partners-clients of the government were expected to pay back for the 'financial support' received from the budget, by working for the ruling parties at election times or by boosting its prestige and reputation in a process that was revealed when the recorded conversations were released.

In one of the taped conversations released on the YouTube channel of the Social Democratic Union of Macedonia, Macedonia's prime minister commissions the funding of a national history television series in order to allegedly justify the 'infusion' of money in one of the television stations (SDSM 2015). Another recording features a conversation in which the owner of Kanal 5 TV, one of the national stations, is instructed not to publish certain news items and interviews that are not favourable to the ruling party (SDSM 2015). Another tape involves a conversation between the head of the country's secret services (UBK) and the chief editor of Sitel TV, another pro-governmental television, that reveals a promise that the station will receive an exclusive video footage of a detained person, an opposition political actor, describing in detail '[…] where and when the person will be nabbed by the police, so that the TV cameras can capture the event for the cameras' (Marusic 2015). In another case, the same editor can be heard 'boasting about how he had found a job for his wife with a good salary in just five minutes, thanks to his good relations with the Prime Minister' (SDSM 2015). A recording also shows how the owner of Sitel TV asks the minister of transport and communications '[…] to grant him a permit for a higher than originally predicted building in Skopje' (SDSM 2015).

The public broadcaster (MRTV) was even an easier target as every political group being in power used to nominate its close associates to editorial and managerial positions. The published audio recordings demonstrate that highest politicians and officials personally distribute jobs in the public broadcaster in an arbitrary, secretive and indisputable way, particularly when journalists or editors cultivate personal connections with the political cliques. Previous research done in this area also indicated that there were contacts between politicians, managers and editors in the public broadcaster (Beličanec and Ričliev 2012; Broughton Micova 2012), but the phone-tapped content provided unambiguous evidence of that. At the 24th press conference, SDSM published several audio recordings that as Deutsche Welle reporter Katarina Blazevska described 'demonstrate the most brutal and unacceptable control over MRTV, which is transformed into party headquarters' (Blazevska 2015). For example, in one of the taped conversations, the minister of interior affairs Gordana Jankulovska says to her spokesman that if a journalist from the public service insists on airing a television show, she would lose her job (SDSM 2015).

UNDERMINED AND WEAK RESISTANCE

With the audio-visual media regulator captured and the unconcealed control over media owners and editors, for which the tapes have provided conformation, can there be an effective opposition to this from journalists? The political colonization of the media sector is difficult for media professionals to resist because of the ruling parties' strategy of parallelizing professional journalistic organizations and coercing of 'unsuitable' or so-called 'nepodobni' journalists – those that refuse to play by the rules of the political parties in power (Trpevska and Micevski 2014: 300). The Association of Journalists, an organization established decades ago on the legacy of the former Yugoslav association and quite passive throughout the 1990s and 2000s, consolidated in December 2010 by pulling together journalists who considered themselves free of party influence. Following this, the Independent Union of Journalists and Media Workers was created and gained strength by attracting some of the defiant journalists and those journalists who were under pressure for the critical articles they published (i.e. subject to workplace bullying, insulted or attacked on social networks by government mouthpieces, dismissed from their employment, etc.). The union had some success in winning law suits against clientelistic media organizations. However, since then VMRO-DPMNE-led government has engaged in direct pressure on these organizations by demonization individuals associated with them and more cunningly by creating and developing parallel organizations. Hence the Macedonian Association of Journalists was created. It comprised journalists who are sympathetic towards the government – some of whom featured in the published phone-tapped conversations brokering modes of coverage with politicians and intelligence officers (SDSM 2015). The purpose of this parallel journalists' association came to the fore in moments when the government wanted to demonstrate to the international organizations that freedom of expression is not jeopardized and that journalists' associations are not complaining about political pressures and interference in their work. This was utilized when the international community reacted to the case of Tomislav Kezarovski, a journalist who was sentenced to four-and-a-half year in prison because of a published text. His writings had tended to investigate misuse of power and procedure, and in particular, he had been working on the case of the tragic death of political magazine editor Nikola Mladenov and investigating a possible police cover-up in a murder investigation.

By implication, the parallelization of professional organizations was therefore a strategic move on the part of the government aimed at creating false pluralism of opinions in the journalistic community about its policies and using that as an argument against anticipated domestic and international disapproval of those policies. The strategy of coercing individual journalists, on the other hand, is a symbolic pressure aimed at disciplining dissent.

CONCLUSION

The fashion of rule of the Macedonian government led by majority coalition partner VMRO-DPMNE and its junior, but extremely important, coalition partner from the Albanian block – DUI manifests increased tendencies towards authoritarianism. In this regard the media sector has been one of the main targets. Three intertwined mechanisms have enabled the process of media colonization: (1) the 'party colonization' of the audio-visual regulator;

(2) the establishment of effective control over the private and public broad-casters through financial dependency, which in essence enabled stronger 'clientelization' of the television sector; and finally, (3) the mechanism that undermined the self-organizing ability of journalism to resist – the defiant journalists were suppressed so as not to be able to fully use the power of self-organized professional structures in journalism. The patron-broker-client relationships that may have existed for a long time involving various patrons, have been pushed to convert solely to ones involving the ruling parties by inhibiting clientelistic ties influenced by other power structures and coercing the defiant into collaboration.

The pluralist media system in Macedonia was established for the first time in the 1990s following the 'western objective' press model (Hallin and Mancini 2011). In the first years of the independence, as part of the wider democrati-zation process, the political elites attempted to incorporate the liberal media model into the Macedonian political system. As the case of other countries in the region, media and journalism in the early 1990s in Macedonia were indeed understood as 'critical agents of change', advocating social transformation and setting new political agendas (Splichal 2001; Jakubowicz and Sükösd 2008). But a decade later, when business and political elites established and recognized their particular interests, the media (especially television) began to be used as instruments of political and business power. Finally, since 2006, journalism has lost its autonomy and become polarized into two main camps: 'critical' journalism against the government and 'opportunistic' journalism apologetic of the government. Critical-neutral journalism that has the role of 'watchdog' almost disappeared from the traditional media and to some extent migrated to the online sphere, and journalists and media professionals have played the role of both *victims* and *collaborators* in this highly damaging process.

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CONFERENCE REPORT

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Reflections on the *Digital Media Challenge* conference and on communication and media research in Central and Eastern Europe

CEECOM2015 – 8th Central and Eastern European Media and Communication Conference 'The Digital Media Challenge', University of Zagreb, 12–14 June 2015

The 8th Central and Eastern European Media and Communication Conference (www.ceecom.org) was organized by the Centre for Media and Communication Research of the Faculty of Political Science of the University of Zagreb, in cooperation with the communication and journalism departments of the University of Zagreb, based, respectively, at the Faculty of Political Science, Faculty of the Humanities and Social Sciences, and the Croatian Studies Program. CEECOM conferences are every year organized by a different member of the CEECOM Consortium, which started as an initiative of Czech, Slovak and Polish researchers and expanded with time to include members from universities in

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Lithuania, Estonia, Finland, Slovenia and Croatia. The aim of the CEECOM conference is to encourage scholarship in this region that has been historically week in terms of media research and the 2015 conference was the biggest yet, showing the field is growing in strength and breadth throughout the region.

The 8th Central and Eastern European Media and Communication Conference highlighted the theme of digital media challenge – the challenge to media or journalists in terms of changes in the production of news or other media content, on how to educate new professionals for the digital media industry and how to educate the citizens to be media literate and critical media consumers and producers. But the challenge is much greater – social institutions and social practices are also changed in relationship to the new digital media environment. Research presented at the conference addressed these broader concerns as well, including the changes in the political arena and the public sphere, in growing up, creating identities or establishing communities in the mediatized digital network society, the challenges of policy-making in the situation of seeming abundance of content and imagined freedom, the challenge of conceptualizing anew the 'people formerly known as the audience' in the digital mediascapes. In one of the highlights of the 2015 conference, the crucial issue of media freedom and its decline in many parts of (not only the post-socialist Eastern and Central) Europe was discussed in a special plenary session with Dunja Mijatović, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, and Gvozden Flego, the vice-president of the Parliamentary Assembly of the Council of Europe.

Each year, the CEECOM conference aims to promote academic cooperation in the field of media and communication studies broadly defined to include trans-disciplinary and inter-disciplinary approaches to media and communication, within the Central and Eastern European region and beyond. This year the last plenary session focussed on the shape of the discipline in the region and its visibility in the international academe, in papers by the vicechair and chair of the ECREA CEE Network Zrinjka Peruško and Václav Štětka,

Figure 1: OSCE Representative on Freedom of the Media, Dunija Mijatović speaks to participants about challenges to media freedom in Europe.

respectively. As the international presence of CEE research is rather low, the conclusion was that there was a pressing needed to survey CEE research in the field of communication and media studies and present it to the broader European and international audience.

The Zagreb conference provides a sample snapshot of the research field in the Central and Eastern European region, challenging the received wisdom that journalism research predominates. The concept of 'communication' is the most frequent word in the conference abstracts, followed closely by the adjective 'social'. 'Journalism' is in the third place, followed by 'politics', 'digitization', 'journalists', 'changes' and 'news'. The top twenty most frequent words include also 'content', 'technology', 'networks', 'developments' and 'Internet'. The words 'university', 'study' and 'analysis' denote a research-oriented academic conference. The focus of new research presented in Zagreb is clearly on the changes in social communication, politics and journalism related to technology, digitization and the Internet.

Political communication in the context of the digital media was the focus of the largest number of papers, examining the changed relationship of politics to the media, media to politics and the way they play out in times of elections (European and local), in terms of political participation and citizen activism, public opinion, the special role of social media in citizen communication and for image creation in presidential elections. Also examined were changes in media systems from those based on broadcasting media to digital mediascapes encompassing the full multi-platform media matrix and cross-border communication flows. Media policy issues discussed included regulation of media markets and pluralism in times of content abundance and privacy issues in digital media systems. The changes in the political communication domain, which can be seen to be a consequence of growing audience fragmentation and abundance of news and information, were summarized by Paolo Mancini of the University of Perugia to include changes in political participation with social and Internet media changing the role of the traditional mass parties, an increased political polarization, a more diffused watchdog role of the media, as well as a change in the definition of news. In such a 'crowded public sphere', democracy is richer yet more complicated, and this may, according to Mancini, promote personalization as a decision-making or governing shortcut. Slavko Splichal of the University of Ljubljana further explored the changes to the public sphere linked to globalization and internetization, especially as they manifest in the changes of publicness and privateness and their social and political consequences.

The journalism studies stream explored digital skills and approaches to journalism education, as well as the changes to the journalism profession and the newsroom brought about by the digitization of newsrooms and the multi-platform ubiquitous communication media environment. This could not avoid the questioning of the social and technological challenges to public service media, or the contemporary meaning of journalism in the legacy media. Among other topics covered was media framing of the Ukraine crisis in different CEE countries.

The conference engaged with the topic of mediatized cultures of production and consumption, examining different practices and meanings of media use, including gaming or media practices of youth in terms of genres of media use. Media literacy and the relationship of children and media was also an important conference theme. Amy Jordan of the Annenberg School of Communication, University of Pennsylvania, and president of the International Communication Association explored the way communication and media technology shapes different childhood experiences in different generations, and supported

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a children-centric approach instead of the one focussing on the media and technology, in an attempt to find out what determines the differences in childhood experiences. The topic of technology and community was continued by Dominique Cardon of the University Marne la vallée (LATTS), who examined the way Internet search algorithms shape the authority position of websites and thus participate in the building up of web-based communities.

The striking aspect about the range of topics covered at the conference was that these issues are very familiar (the conference proceedings with abstracts are available in open access at www.ceecom.org) and are not very different from research priorities in other European countries, or in the international academe. The difference is that they were empirically investigated in the contexts of the countries of Central and Eastern Europe – Croatia, Slovenia, Hungary, Latvia, Poland, Lithuania, Czech Republic, Slovakia, Ukraine, Serbia, Russia and others, and Finland, Germany, the United States and beyond. CEECOM2015 with its 33 panels and 128 papers from 29 countries attests to a growing scientific field of communication and media studies in Central and Eastern Europe, one that will in the future bring new insights not only into the communication and media processes, actors and impacts in the CEE region, but also into the concepts, theories and paradigms developed in the American and Western European contexts.

CEECOM Consortium is part of the European Communication Research and Education Association's (ECREA) Central and Eastern European Network with which it shares the goals of increasing research cooperation and improving the international impact and visibility of CEE research in the field. The Zagreb conference was co-sponsored by the International Communication Association (ICA). Cooperation of CEECOM with ECREA and ICA ensures a wider reach to their non-CEE members, but a continuing feature of CEECOM is that its participants do not need to be members of any of the sponsoring academic associations. In the region with low (but growing, also thanks to the continued CEECOM efforts) membership in these organizations, CEECOM provides an opportunity to join an international scientific peer-reviewed conference with other researchers from the CEE region. The conference in 2016 will be held at the University of Tartu, Estonia.

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A review of Lesotho's digital migration challenges: Policy lessons from global and regional experiences

ABSTRACT

This article presents an analysis of Lesotho's apparent challenges in its quest to migrate from analogue to digital terrestrial television broadcasting (DTTB) from 2006 to 2015. The move towards DTTB had given the state-owned Lesotho National Broadcasting Services a glimmer of hope to strengthen its position in the local market and thwart competition from South African broadcasters. However, the country lacked a policy direction or a clear road map to gain resources for DTTB development and subsequently failed to meet the international analogue switch-off deadline of 17 June 2015. Given the high level of foreign television service penetration in Lesotho, I argue that the government's weak and sluggish intervention spells tragedy for the national broadcaster in the digital era, unless corrective policy measures based on comparative lessons from early adopters, with a rapid and coordinated implementation strategy as proposed in this article, are vigorously pursued.

KEYWORDS

analogue switch-off
content development
digital migration policy
digital terrestrial
   television
Lesotho
ITU

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INTRODUCTION

Lesotho is among the countries that fell short of the International Telecommunications Union (ITU) target of 17 June 2015 as it had not completed its digital switch-over (DSO) process by the international deadline. As a temporary reprieve, its analogue television viewers may not immediately face broadcasting disruptions since South Africa, which completely surrounds Lesotho, has also failed to complete the DSO process. According to the media statement widely reported by the press on the deadline day (see *Lesotho Times* 2015), Lesotho has worked on an agreement of cooperation with neighbouring South Africa to mitigate the risk of signal interference from digital signals along the border. On the same day, Lesotho's ministry responsible for communications and the state-owned Lesotho National Broadcasting Services (LNBS) held a digital terrestrial broadcasting demonstration for the media and ministry's management from the main transmission station at Berea Plateau to showcase how the country will likely migrate by a newly rescheduled target date of November 2015 (LNBS 2015).

Digital television broadcasting migration in Lesotho was to have been completed by the end of December 2013 initially, then by 2 April 2015 and finally by the ITU deadline. The setting back of these deadlines reveals a lot about Lesotho's policy-making capacity and ability to successfully implement the digital migration process, raising doubts whether even the new target date will be met. This article shows that Lesotho's sluggish migration process has been limited to delayed establishment of a digital migration unit (DMU) and public awareness campaigns with no infrastructure dimensioning on the ground and provision of necessary set-top boxes (STBs) to make the country ready.[1] The government of Lesotho did not develop and adopt a digital migration policy in time to set robust road map parameters within which the digital terrestrial television broadcasting (DTTB) migration should have been undertaken to meet the international deadline. I argue that the lack of political priority and inadequate policy-making capacity of Lesotho led to this poor intervention resulting in slow progress, with the analogue switch-off (ASO) date being deferred time and again.

This article begins with a review of policy aspects in DTTB migration implementation by early adopters. Hence, the following section analyses the existing body of knowledge on DTTB migration around the world. It introduces a global perspective in areas of policy intervention by governments, digital terrestrial television (DTT) standards adoption, separating content from signal distribution and reviewing digital dividend. It further highlights critical issues of funding DTTB services as free-to-air (FTA) model, competition from digital satellite and cable platforms, dual illumination costs, delays in ASO target dates and STB support for affordability and availability of appealing content. The next section indulges in a thorough post-mortem to examine Lesotho's DSO progress since the 2006 ITU agreement to the target date of 17 June 2015 to understand the nature and magnitude of the challenge the country faces by considering its small media market and the policy-bereft approach taken by the government of Lesotho to attain DTTB migration. The next section analyses experiences from selected countries in the SADC region (Tanzania, South Africa and Namibia) as comparative case studies with varying degrees of successes and challenges from which Lesotho and other similarly struggling countries can benefit by gaining insight into practicing clear policy-making for a successful DTTB migration. In conclusion, I attempt to crystallize the critical lessons learned for the many governments that failed to meet the deadline,

and specifically to provide a way forward for the government of Lesotho to tailor policy to its own circumstances to address the practical DSO challenges it currently faces.

REVIEW OF POLICY ASPECTS IN DIGITAL MIGRATION

DTTB migration is a process of transferring analogue terrestrial television broadcasting services to digital terrestrial networks. It requires the switching-off of analogue stations beyond the ITU deadline to avoid interference to the new digital stations. In theory, two approaches can be followed for a successful implementation of the DTTB migration process. One school of thought advocates for the technology-driven approach where the market will progressively replace analogue technology with better digital technology driven by innovation, as has occurred with satellite and cable versions of digital television (DTV). The other favours a policy-driven approach with the trend towards regulated migration with guidelines developed to accelerate the digital terrestrial migration. Those within the latter school argue that the policy approach, which primarily involves government decision-making, will ensure a smooth and orderly transition process within specific deadlines as the market forces alone may not bring about sufficient take-up of DTT by consumers as experienced in Europe (Brown and Picard 2004: 8; Iosifidis 2006: 252; Candel 2007: 194). However, in some countries, the poor policy intervention or lack thereof has actually had the opposite effect, supporting the view by Starks (2007: 8) that in practice collaboration between public policy and market is actually required.

An important step in DTTB migration is the choice and adoption of the DTT standard from among the common American Advanced Television Systems Committee, European DVB-T (digital video broadcasting – terrestrial) and Japanese ISDB-T (integrated services digital broadcasting – terrestrial). These competing standards relate mainly to their different historical evolution paths, format, content and transport stream of the transmitted digital signals (Jones et al. 2006: 23; Wu et al. 2006: 12), but fierce debates spanning several years among governments and industry have been held over them, such as in South Korea (Shin and Song 2012: 1455) and Latin America (Angulo et al. 2011: 781). The DVB-T2 has become the de facto standard in many ITU Region 1 countries and has also been widely adopted internationally. It uses the latest developments in modulation and compression for increasing channel capacity and advanced error protection against high noise levels and interference (Ladebusch and Liss 2006: 184; DigiTAG 2009: 5; DVB 2010). Even the Australian Broadcasting Authority (ABA) based its own standard on the DVB-T but included a number of variations specific to Australia (ABA 2005: 7).

Globally, public broadcasters used to have total control over all the activities of analogue broadcasting value chain, from creation to distribution, with complex and oversized labour structures (Candel 2007: 197). However, DTT is redefining the broadcasting value chain configuration and bringing opportunities for more programmes and services, enabling alternative business models such as content production, content service publishing/provision, multiplex operator and network operator/signal distribution. A multiplex (abbreviated MUX) is defined as a transmission channel for DTTB with the capacity to carry a minimum of four standard-definition TV channels or one high-definition TV channel (Tadayoni 2001: 92), even though there are some conflicting claims of higher MUX capacity (Duncan 2012). Consequently, licence classifications have to be amended accordingly to cater for these new categories of players. In several SADC countries, DTT regulations have defined the new market players into three clusters: (1) content

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producers, (2) broadcasters or content service providers (CSPs) and (3) MUX operators or signal distributors (TCRA 2011; ICASA 2012). Thus, many state-owned broadcasters, with inefficient labour structures due to their monopolistic past, have to change their production structures, management culture and strategies and be licenced differently (Candel 2007: 197).

One benefit of DTTB migration is the considerable amount of spectrum that will be released for provision of additional wireless communications services. In ITU Region 1, the overall analogue television spectrum allocation amounts to 469 MHz, which far exceeds the mobile telephony allocation of 200–355 MHz (Hazlett and Mueller 2004: 3). Bands IV and V are suitable for DTTB transmissions and have been earmarked under the digital dividend review. Channels 61–69 (790–862 MHz), known as Digital Dividend 1 (DD1), are already allocated for mobile broadband services in many jurisdictions, in accordance with the 2007 World Radio-communication Conference (WRC-07) decision. The plan for channels 49–60 (694–790 MHz), known as Digital Dividend 2 (DD2), shall be finalized in November 2015 during the WRC-15. Channels 5–12 (174–230 MHz) and 21–48 (470–694 MHz) shall be retained for digital broadcasting while Band I is not suitable for digital broadcasting as it is prone to electrical noise interference (ABA 2005: 8). After DD2, a total of 168 MHz shall be available to be licenced to mobile operators to offer voice and data services. Hazlett and Mueller (2004: 1) projected using empirical estimates that, if 200 MHz or around 43 per cent of the 469-MHz analogue spectrum were reallocated to mobile communications services, retail prices for mobile voice and data services would substantially decline, bringing social gains to consumers.

To date, DTTB faces steep competition from digital satellite and cable platforms in many regions around the world, forcing viewers to acquire separate decoders for each platform due to lack of uniform standards (Brown and Picard 2004: 2). Satellite and cable DTV platforms have also had the first-mover advantage over terrestrial and are likely to retain substantial viewers in terms of numbers for the foreseeable future. As witnessed in Europe, pay-TV services on terrestrial have had several notable collapses due to failure to attract sufficient subscribers to become financially viable, giving strong indications for DTTB to be a primarily FTA model as in United Kingdom's Freeview (Iosifidis 2006: 252; Colapinto and Papandrea 2007: 43). However, the participation of state-owned broadcasters, who have traditionally operated terrestrially and FTA, is limited due to declining public funding available to them. On the other hand, incumbent commercial terrestrial broadcasters have generally opposed the move to DTTB, their main concerns being associated with increased costs (new production, transmission equipment and dual illumination) and fragmentation of audience due to the increased number of channels that will reduce advertising revenue per content unit and squeeze profitability (Brown and Picard 2004: 6).

The transmission of both analogue and digital programming during the simulcast or dual illumination period is also a key issue for national governments. Switching off analogue stations without a substantial proportion of the public being covered by digital transmission can be a political blunder. Nevertheless, an optimum period with target date for ASO has to be set to mitigate escalating costs to broadcasters. Practically, most countries around the globe have had to defer their target ASO dates after failing to meet them, including the United Kingdom, the United States, Australia and Italy (Colapinto and Papandrea 2007: 41; Hart 2010: 24). Some European countries have even called for a late switch-over due to governments' lack of political priority (Iosifidis 2011: 11). For many developing countries as Mbatha and Lesame point out

(2014: 91), governments are battling with more pressing problems such as hunger, diseases and education; hence, digital broadcasting has to be moved down on the priority list. Nevertheless, since the analogue frequencies are no longer protected and vulnerable to interference from stronger digital signals of neighbours, the pressure is mounting for countries surrounded by others who have already switched over, as observed in South-East Europe (Milosavljević and Broughton Micova 2013: 5). Thus, governments still have the duty to come up with clear DTTB migration policy and legislation dealing with achievement of ASO within a realistic period; convincing viewers of digital benefits to shore up DTT take-up; designing assistance programmes for affordability of STBs to the elderly, handicapped or low-income households; availing additional funding to public broadcasters to install digital equipment and offer new and appealing content; and providing greater certainty to the television broadcasting industry, especially commercial broadcasters and local content producers.

LESOTHO'S DIGITAL MIGRATION JOURNEY

Similar to many countries around the world, the state-owned LNBS, which comprises Lesotho Television (LTV), has been the dominant local player in television broadcasting industry. LTV launched in 1988, broadcasting for just 30 minutes a day from South African–based M-Net transmitters. Over time, LTV acquired about fourteen transmitters scattered countrywide with a geographical coverage of about 60 per cent and currently broadcasts for only six hours daily. In addition, only two transmitters covering mainly the capital city Maseru and nearby towns and villages were actually operational by June 2015. Other transmitters were malfunctioning due to lack of maintenance as most of them are not easily accessible on account of hostile mountainous terrain. This leads to the current coverage of analogue television broadcasting reaching around 15 per cent of the entire country of just 32,000 km^2. This meagre LTV analogue coverage is complemented by hired digital satellite transmission on MultiChoice's DStv channel 292 that reaches the whole country since Lesotho is completely surrounded by South Africa.

According to the Lesotho Demography Survey 2011 results, an estimated 22.6 per cent of about 451,000 households in Lesotho had television sets in the roughly 1.9 million population (BoS 2014). Due to underdeveloped or malfunctioning television infrastructure and lack of compelling local content, broadcasters from South Africa have ruled the Lesotho television market for decades both on terrestrial FTA and on digital satellite pay-TV services. MultiChoice's DStv, which also carries SABC 1, SABC 2, SABC 3, eTV and LTV, offers over 80 subscription-based channels. It carries an abundance of foreign channels and has posed unparalleled competition to LTV and substantially reduced its audiences. This is symptomatic of small states with giant next-door neighbours as aptly pointed out by Puppis (2009: 10–12), and such channels are endowed with much higher budgets than the domestic station. The implication is that a relatively low number of viewers in Lesotho receive terrestrial analogue television as more people have moved to digital satellite. Though it is concerning for other reasons, this phenomenon could have given the Lesotho government an opportunity to swiftly switchover to digital, as Germany did it in Berlin within four to nine months under similar circumstances (Ladebusch and Liss 2006: 192), by first catering for the small percentage of households in the capital Maseru with a very short simulcast period and

then extending DTT transmissions in phases to the rest of the areas outside the existing analogue coverage.

The responsibility of driving the digital migration process in Lesotho has been entrusted to the Ministry of Communications, Science and Technology (MCST). In 2007, a Digital Migration Advisory Committee (DMAC) on DTT was constituted with membership from the regulator, Lesotho Communications Authority (LCA) as the secretariat, LNBS as the chair and representatives from local radio stations to provide technical advice to the ministry. Some government officials in the broadcasting department of the MCST, LNBS and LCA are well vested with the process of DTTB migration. They benefitted from consistent participation in conferences, seminars, workshops and meetings held in the SADC region, Africa and Europe. However, the planning and execution by MCST/LNBS in relation to the SADC and ITU deadlines has been minimal, despite the rich knowledge acquired. The government of Lesotho through the MCST has been struggling to implement its digital migration road map with challenges to develop the digital migration policy, separate content provision from signal distribution, run successful tendering process for infrastructure roll-out and propose support for STBs and local content development. In fact, the last recorded meeting of the ineffective DMAC was in November 2012 according to the DMU inception report of July 2013. There was no programme in place to communicate with the public matters related to the process of digital migration. Instead, procurement of digital transmission equipment was awarded high priority in the switch-over process. Though at the time, the press widely reported that the tendering process was apparently fraught with irregularities and endless personal clashes (see Sunday Express 2011, 2013). Only South African-based MultiChoice, under the GOtv brand, started conducting DTT trials in Maseru and Leribe from 2012, but its licence application is still pending approval.

On the other hand, the regulator has been the most organized and productive entity with regard to digital migration preparations due to its staff's requisite capabilities and skills (Thamae 2015: 82). In September 2005, LCA held initial training on spectrum planning for DTTB. This paved the way for coordination of frequency assignments for analogue and digital broadcasting with the Independent Communications Authority of South Africa (ICASA). LCA developed a DTTB Spectrum Plan based on analogue assignments from Geneva 1989 plan, with additional digital requirements developed to anticipate the DTTB needs of Lesotho. LCA also facilitated the adoption of both the 2008 Communications Policy and the 2012 Communications Act by the government of Lesotho that catered for the establishment of converged regulation for the information and communication technology (ICT) sector, consisting of telecommunications, broadcasting and postal services. These policy and primary legislation set a clear separation of role players (government, regulator and operators) and introduced the concept of infrastructure sharing, which is a key element to licencing regime. In anticipation of the new market structure to be brought by digital migration, the regulator has developed a commendable licencing framework, LCA Licensing Classification and Fees Rules 2013, to provide for DTT licencing of broadcasters and signal distributors (LCA 2013). The framework allows broadcasters to choose either to lease all facilities needed for transmission or self-provide parts or all facilities for transmission.

MCST belatedly established the DMU in May 2013 in an effort to coordinate and complete the implementation of the faltering DTTB migration process. Controversially, the DMU remains insufficiently staffed (as only the unit head and director of research have been engaged by the international deadline) with

limited financial resources and office facilities. To try to rescue the situation despite the shortcomings, the DMU developed an ambitious road map in July 2013 to fast-track the DSO process to be consistent with the ITU deadline, targeting the revised ASO date of 2 April 2015 for Lesotho, which proved unrealistic. It succeeded in convening a consultative conference of stakeholders to solicit inputs for the formulation of communication strategy and policy framework drafts. But Lesotho still remained far behind schedule, and the DMU just managed to launch the public awareness and education campaign in February 2014, with the minister of MCST unveiling the digital migration logo and subsequently holding public gatherings around the country. By June 2015, the digital migration policy was still only a draft (MCST 2014); no decision on STB specifications, acquisition and incentives, no infrastructure systems installations and no simulcast had been started, much less completed. Thus, Lesotho presents a good example of a country where a combination of government's lack of political priority, poor policy intervention or lack thereof and vulnerability of small media market dominated by giant neighbouring South Africa has led to delays that negatively impacted the transition process.

REGIONAL EXPERIENCES IN DTTB MIGRATION

Subsequent to the ITU deadline, the regional SADC ministers responsible for ICT agreed on a common vision in 2009 for each member state to commence DSO as early as possible and complete migration by 31 December 2013 as per the SADC migration timeframes in Table 1. The self-imposed regional target

Date	Activity	Member states
Mid-2009	Stakeholder consultations	
Mid-2010	Finalization of STB technical standards	
Early 2011	Licencing and conducting DTT trials	
Mid-2011	Simulcast/dual illumination period	
Mid-2012	Digital dividend review	
End of 2013	Analogue switch-off	

Source: SADC Road Map for Digital Broadcasting Migration, November 2010.

Table 1: SADC DTT migration timeframes.

proved too difficult to achieve and most member states had committed to meeting the international deadline of 17 June 2015. However, the DSO status on the deadline day indicated that only Malawi, Mauritius, Mozambique and Tanzania have achieved a full ASO, but several SADC member states were under way with ASO programmes, including Botswana, Namibia and South Africa (see ITU 2015). One of the main delaying factors in the region was the disagreement in early 2010 on the DTT standard to be adopted, with South Africa as the regional powerhouse reneging on the initially agreed DVB-T standard in favour of ISDB-T. However, in January 2011, SADC finally resolved to adopt the second-generation DVB-T2 standard with MPEG-2 compression technique. The following subsections present comparative case studies of Tanzania, South Africa and Namibia to observe how they executed their policy interventions in an effort to facilitate smooth transition process, with varying degrees of successes and challenges.

TANZANIA

The terrestrial television market in Tanzania before digital migration was dominated by Independent Television (ITV, launched in 1994) and state-owned Tanzania Broadcasting Corporation (TBC, launched in 2000). The country's geographical coverage of the analogue terrestrial broadcasting was limited to 24 per cent of the 46 million population due to rural areas with challenging terrain and unreliable power (Analysys Mason 2013). Digital satellite television operators MultiChoice and Zuku entered the scene in 2002 and 2010, respectively. The Tanzania Communications Regulatory Authority (TCRA) was the body tasked with the implementation of the DTTB migration in collaboration with the Ministry of Communications and Transport, Prime Minister's Office, Ministry of Finance, Zanzibar Broadcasting Corporation, Attorney General and Operators. Contrary to SADC, the East African Communications Organization countries, of which Tanzania is also a member, agreed on an earlier deadline of 31 December 2012 for ASO date so as to have enough time to address the challenges before the international deadline. Consequently, Tanzania became one of the first movers in mainland sub-Saharan Africa towards digitization of terrestrial television.

The TCRA identifies the digital migration road map, political will, early consultation with stakeholders, communication strategy, investment by private sector and consumer awareness as critical factors for success. Despite the success it attained, various customer, content services, multiplex and regulatory challenges were experienced by Tanzania after the ASO (Gunze 2014). Customers complained of lack of STB connectivity knowledge, fake or faulty STBs, lack of STB interoperability, long queues at selling points and image pixilation on screens. Some CSPs delayed migration due to technical and administrative challenges, complained of high MUX transmission fees, faced low take-up in other regions and lacked compelling content to fill out increased capacity. Reception problems led to DTT black spots due to uneven terrain or non-optimal tower erection by MUX operators who also offered poor support services and charged customers through their call centres. MUX operators also have the challenge of using optical fibre in signal distribution instead of satellite to reduce costs. Licencing of multiple channels, separating content service provision and signal distribution, interoperability of STBs, sustainability of commercial FTA network, enforcement of delivering digital services to underserved areas and requiring service-level agreements between signal distributors and CSPs also led to regulatory challenges (Gunze 2014).

SOUTH AFRICA

The South African television market, prior to DTT migration, already consisted of Sentech as the state-owned signal distributor separate from the South African Broadcasting Corporation (SABC) as the public broadcaster. SABC offered the public FTA services and relied on public funding and television licences. Other broadcasters included eTV as commercial FTA service and M-Net which operated as a commercial pay-TV (GOtv), with MultiChoice/DStv as its powerful digital satellite subsidiary. Out of the 51.8 million population in 2014, 11.5 million households were estimated to own television sets and 72 per cent of that relied exclusively on FTA services (Mbatha and Lesame 2014: 94). Moreover, approximately 5 million households were classified as poor and would require deliberate support of government to afford STBs (DoC 2008: 12; Mbatha and Lesame 2014: 94).

The South African government's Department of Communications (DoC) is the body responsible for the digital migration and has established a digital migration office (DMO) as a national DTT migration project management office. The initial self-imposed digital migration timelines for South Africa were November 2008 to November 2011. However, in early 2010, at the instigation of South Africa, SADC made a decision to revisit the adoption DVB-T standard versus the ISDB-T, causing delays in the DSO process. But the DVB-T2 was finally adopted in January 2011. Sentech had begun DVB-T trials in Johannesburg as early as 2000 and started the phased DTT roll-out project in 2006 with a process of transmitter site preparation and capacity creation for the installation of the DTT network and equipment. A wide area DVB-T single frequency network was switched on in Gauteng province in 2008.

The Broadcasting Digital Migration (BDM) policy (DoC 2008) was amended in February 2012 to mandate Sentech to include STB control system, also known as conditional access system (activation, revocation, geographical zone locking, mass messaging and secure bootstrap loader), to protect government investment in subsidy scheme. However, the STB control system became the source of disagreements among FTA broadcasters who subsequently sought legal action against the government. The litigations over STB control system impacted negatively on the ability of South Africa to implement the ASO within the SADC's agreed deadline. In the final policy approved by the Cabinet in March 2015 (DoC 2015), the controversial control system has been redefined to remove the confusion with conditional access system or signal encryption. The STB will have only minimal switching (on/off) security features to protect the subsidized STBs from theft or leaving South African borders and capabilities to enable e-government services.

Regardless of the achieved milestones shown in Table 2, South Africa missed its official DTT platform launch of 1 April 2014, and the ASO date of 17 June 2015 has also not been met. The DoC is expected to determine and announce new dates in consultation with the Cabinet. A variety of challenges that South Africa faced in its quest to ensure universal access to DTT broadcasting services include, but are not limited to, misalignment of stakeholders' deliverables on digital migration policy, especially the implementation of the controversial STB control system, and budget shortfall for STBs and DTT awareness campaign. As Sentech learned, DVB-T2 is technically very complex. and sufficient time should be allowed for all aspects of the network planning and design, including operational management and training thereof, and live testing to discover system weaknesses before commercial launch.

DTTB migration aspects	Tanzania	South Africa	Namibia
1. Project management office (PMO)	Tanzania Communications Regulatory Authority	Department of Communications	Ministry of ICT
2. Technical working (advisory) group	National Technical Committee on DTT Broadcasting	Digital Dzonga consisting of main stakeholder	DTT National Forum formed in 2008
3. Consumer consultation and education	Public consultation documents in 2005 (DTT and its benefits) and 2006 (establishing DTT licencing framework); public awareness campaign from 2011	BDM Policy published in August 2008; DTT consumer awareness campaign plan in 2011	DTT communication strategy developed
4. Restructuring of public broadcaster	Separated TBC into signal distributor and content provider	SABC was already distinct from Sentech	NBC deemed the national carrier
5. Legal framework	Electronic and Postal Communications Act 2010	Electronic Communications Act 2005	Broadcasting covered under primary act
6. Regulation, spectrum planning and licencing	Electronic and Postal Communications (Digital and other Broadcasting Networks) Regulations of 2011	DTT Regulations published by the regulator (ICASA) in 2012	Licence conditions for broadcasters and spectrum licences have been issued
7. Multiplex/signal distribution	Licenced three MUX operators (one public and two commercial)	Two MUXs licenced to Sentech; MUX 1 – public and community television; MUX 2 – commercial television; MUX 3 reserved for commercial FTA and subscription broadcasters	Two MUX licence categories have been created; a public MUX (operated by NBC) and a commercial MUX
8. ASO date and process	31 December 2012; phased approach beginning with the capital city Dar es Salaam and followed by six other mostly populated regions of Mwanza, Mbeya, Arusha, Dodoma, Moshi and Tanga (Gunze 2014)	31 December 2013; phased approach that consisted of the installation of DVB-T equipment first and completed with installation of DVB-T2 equipment at additional sites as well as the conversion of the earlier sites; DVB-T2	31 December 2013; started trials in September 2012 and switched on DTT transmitter in Windhoek in April 2013; DTT roll-out prioritizes border areas to meet ITU's deadline and targets 80 per cent coverage

	coverage of 80 per cent of the population achieved by the end of March 2013		
9. Funding model for DTT networks	TBC entered into a public private partnership with Chinese-owned StarTimes (which owns 65 per cent) to form Star Media Tanzania	Government had committed to cover the costs of Sentech's dual illumination through to 2015	NBC tasked with DTT roll-out (with government support)
10. STB support	Waiver on import duties and value-added tax	New policy will now see government providing free STBs to more than 5 million poor television households instead of original 70 per cent subsidy	Pensioners, war veterans and vulnerable citizens pay half the retail price (government subsidy)
11. Full ASO target date	December 2014	New date to be determined	March 2016

Source: The author, based on analysis of the sections 'Review of policy aspects in digital migration' and 'Regional experiences in DTTB migration'.

Table 2: Summary of DTTB migration processes from selected SADC member states.

NAMIBIA

Namibia is the closest to Lesotho in terms of population which is estimated at 2.2 million but with a vastly superior geographical size of 824,268 km². Of the estimated 500,000 households, about 52 per cent of them have a television set (Dreyer 2014). The television market prior to DTT migration comprised the state-owned Namibian Broadcasting Corporation (NBC), One Africa TV (OATV), Trinity Broadcasting Network (TBN), M-Net, GOtv (in Windhoek only) and DStv on satellite. The public broadcaster NBC offered one 24-hour analogue television channel run from the capital Windhoek with approximately 58 transmitter sites and 66 per cent national coverage (Dreyer 2014). The Ministry of ICT is the government body responsible for DTT migration oversight. DTT launch in Namibia was slightly delayed due to lack of STB distribution readiness, outstanding DTT policy and regulatory matters, but was finally unveiled by the minister of ICT on 27 November 2013, a month ahead of the SADC ASO deadline (Dreyer 2014). By the ITU deadline, five DTT transmitters were on air, with channels including the NBC 1 (a family channel), NBC 2 (news), NBC 3 (entertainment), OATV and TBN. The NBC's ten existing radio services have also been simultaneously expanded on the DTT public MUX.

The Communications Regulatory Authority of Namibia (CRAN) has drafted licence conditions for broadcasters, and spectrum licences have been issued. Interference studies have been completed and CRAN has also

published minimum STB specifications, but it is looking at outsourcing the function of equipment type-approval. NBC can self-provide infrastructure and is currently carrying TBN and OATV, but their carriage is in question due to contractual disagreements. NBC has also adopted a strategy of linking digital migration to drive up revenues from the collection of licence fees by implementing conditional access system in its hybrid STBs to protect content and to deliver revenue in the form of improved licence fee payments. However, the link to television licences was not easy as it acted as a disincentive to take-up and made the STB sales process more challenging.

Table 2 illustrates a comparison of the different policy aspects of the DTTB migration for the three case studies reviewed earlier. Based on the review of scholarly literature for a successful digital migration process in the section 'Review of policy aspects in digital migration', it is clear that national governments have to play a critical role in putting up governance structures with sufficient resources to drive the migration process. This necessitates the designation or setting up of a DTT project management office together with a technical advisory body that will assist the government in developing clear digital migration policy to select the DTT standard to be adopted; restructure the public broadcaster in line with the new digital value chain (if necessary); develop public communication strategy; enact legislation for spectrum regulation and licencing; allocate multiplexes and set STB specifications; and devise funding model for infrastructure installation, dual illumination, STB subsidy or incentives and new content development. These activities should be guided by a realistic road map that observes external deadlines such as those of regional and international bodies as there will not be any protection after the agreed ASO.

The key policy considerations for successful implementation of digital migration, as illustrated by the different approaches followed by Namibia, South Africa and Tanzania in Table 2, all entrench DTTB migration governance structure, financing model for DTT networks, promulgation of legislation, regulatory environment and consumer issues, including early public education and awareness, STB specifications and subsidy or incentives support for the disadvantaged.

CONCLUSIONS

The article has reviewed Lesotho's digital migration challenges as a developing state with limited national analogue broadcasting coverage due to its underdeveloped television broadcasting sector. It found that combined with lack of compelling content production, Lesotho's small market is dominated by neighbouring South African–based channels, posing a serious competition to the local incumbent. Thus, Lesotho's economic dependence on South Africa, small media market and shortage of production resources also make it vulnerable to the digital migration delays in South Africa. But more crucially, the ineffective governance and poor policy-making capacity to drive the digital migration process have left the public broadcaster in a precarious position of further losing out on the digital revolution. Only the regulator, LCA, appeared to have been proactive, with DTT spectrum planning, cross-border coordination and licencing framework put in place.

A comparison of neighbouring countries in the region has demonstrated that capacity to develop a clear policy direction at governance level with sufficient political support and financial incentives for widespread consumer

adoption of DTTB is necessary. The policy should empower the DTT PMO, strengthen the technical advisory body and set a realistic ASO date coupled with a subsidy programme for the acquisition of STBs by disadvantaged consumers to encourage early adoption. A dedicated public consultation and outreach campaign, followed by a coordinated fiscal backing for a larger and more appealing FTA digital programming, should be prioritized for incentivizing consumer DTT take-up to avoid collapses experienced by early adopters. Other take-away points include designating a couple of MUXs (public and commercial), employing a phased DTTB approach with a relatively short simulcast period, exploring public–private partnerships for funding model and avoiding the controversial conditional access system on STBs, which have resulted in delays in South Africa and consumer disincentive in Namibia. These findings corroborate conclusions that emerged from the review of global scholarly debates, largely emphasizing that lack of policy or poor policy intervention negatively impacts the digital migration process. Hence, political priority is necessary to enhance good governance, render capacity support for policy-making and devise sustainable funding model for DTTB implementation.

Local content development avenue should also be regarded as a source of employment that can accelerate economic growth in developing countries such as Lesotho, and it deserves special attention and deliberate support of governments due to its high entry costs (Candel 2007: 187). Government can consider establishment of a Digitization Fund within the existing universal access fund, as a support measure similar to Austrian broadcasting regulatory authority's initiative of the same name (Iosifidis 2006: 251), to enhance the development of content by local industry and support its acquisition by the public broadcaster towards strengthening cultural sovereignty. DTT technical advisory body should come up with content development and support strategy that prioritizes investment in capacity building and resources required for new starters in production and acquisition of compelling local content to fill up the channels to be created by digital broadcasting.

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A new hope? Experiences of accessibility of services in deaf and hard-of-hearing audiences post-digital television switchover

ABSTRACT

One promise of the switchover from analogue to digital television was new accessibility solutions. In the case of deaf and hard-of-hearing audiences who rely on subtitling for comprehension, the digital switchover makes it possible for greater provision of subtitling or improvements in accuracy. Utilizing quantitative data from a questionnaire completed by 339 participants with varying degrees of hearing difficulty in Wales, this article assesses perceptions of subtitling pre- and post-digital switch. A within-group comparison across age groups is also used to assess whether improvements in service are age defined. The results found that difficulties in accessing quality subtitling are still experienced by this audience post-digital switchover and that there are no significant differences in age in experiencing these

KEYWORDS

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difficulties. Knowledge of other digital services is subject to a significant difference in age, which indicates more work is required to inform older audience members of the affordances of digital television.

INTRODUCTION

Television in the United Kingdom has undergone a compulsory digital transition in stages from 2005. Begun in Ferryside, West Wales, the process of switchover has involved a migration to digital television (DTV) services through the use of Freeview services or satellite or cable services that provide DTV over non-signal broadcast means. Wales is United Kingdom's first DTV nation since the digital switchover was completed in March 2010 (DigitalUK 2012). This technological revolution brought in new forms of data dissemination that transformed not only the ways people acquire information from television but also the way people interact with television services, as well as creating more viewing choice. As Ford Ennals, CEO of DigitalUK claimed in 2006, the digitalization heralded a 'true golden age of television' (DigitalUK 2006). Wales' status as a testing ground for the digital switchover affords the possibility of researching the effects of the technological change on audience experience of television post-switchover. Accordingly, the research in this article was conducted between 2012 and 2013 (when the switchover was complete in Wales), and specifically concerned the effects of the digital switchover on deaf and hard-of-hearing audiences. Wales itself was an ideal site for research not only due to the early switchover date in relation to the rest of the United Kingdom. According to the most recent health survey, around one in seven adults in Wales (or 15 per cent) reported having difficulties with hearing (Welsh Government 2013). This health concern increased with age, affecting around one-third of senior citizens aged 65 years and over and affecting men more than women. By 2031, the projection for the total number of people in Wales with hearing loss will be more than 725,000 (Wales Mental Health in Primary Care n.d.).

While most attention in digital media and communication research concentrates on Internet-based communications, social media and convergence technologies and applications, the role of television in everyday life is still very important despite audience fragmentation and new media technologies diluting audience numbers. In the United Kingdom, the average time spent viewing television by adults is 3 hours 52 minutes a day – which is only a decline of 9 minutes from 2012, but is an increase in viewing of 10 minutes since 2004 (Ofcom 2014). Even with new devices and Internet-based communication, television maintains its audience and popularity. Research into the impact of digitalization of television reveals the political and commercial interdependence associated with the switchover (Starks 2007), the role of the public broadcasting in the switchover and the implication of such changes on public broadcasting service (Iosifidls 2005, 2007; Smith and Steemers 2007) and the second screen as an addition to the viewing experience (Lochrie and Coulton 2012). However, current research into DTV tends to focus either on macro-level issues such as public service broadcasting or (at an audience-member level) on technologically savvy 'early adopters' and tends to overlook the vulnerable social groups such as the audiences suffering from sensory impairment.

Action on Hearing Loss (2011) reports that there are more than 10 million adults in the United Kingdom with some form of hearing loss, or one in six

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of the population. It remains largely unclear how this community copes with the new digital media environment brought about by DTV. It is therefore this article's objective to assess the impact of digital switchover on the vulnerable social groups via a case study of deaf and hard-of-hearing audiences in Wales. We note that current regulating measures place emphasis more on quantity (e.g. the percentage of television programme subtitling) but less on quality, echoing the dominance of macro-level issues identified in research on DTV at the policy level regarding accessibility of services. Over emphasizing the quantity of subtitling could lead to overlooking other quality-related constraints (e.g. poor quality of sound in television programmes) faced by the deaf and hard-of-hearing audience. This research investigates the possibility of DTV being a form of assistive technology and whether it enables the deaf and hard-of-hearing community to have more access to information and services.

Brooks (2006) identified that people with sensory disabilities, like anyone else, need access to timely emergency warning information. Primary information sources, such as radio and television broadcasts, do not consistently serve the needs of deaf and hard-of-hearing people. When assessing DTV as a technology that addresses such accessibility issues, the primary consideration is how the technological platform provides affordances to the deaf and hard-of-hearing audience. The advent of DTV services was identified as one possible means of addressing this deficit, through the affordances (Gibson 1977; Norman 2013) offered by the digital platform. As Norman (2013: 11) argues, 'An affordance is a relationship between the properties of an object and the capabilities of the agent that determine just how the object could possibly be used'. DTV, it is argued, offers a set of affordances that differ from analogue television with regard to how the 'agent' can use that television. Here, 'affordance' is used to refer to the relationship among the technology, the environment and the user that allows the user to perform a particular action (i.e. watching, enjoying and using television to participate in social and cultural affairs). With regard to the deaf and hard-of-hearing audience, these affordances could result in overcoming barriers to watching television, understanding content and participating in audience experiences as well as being informed and entertained. This research specifically set out to investigate and understand how the additional affordances of the digital platform for television have, if at all, enabled deaf and hard-of-hearing audiences to access television services. In doing this, we identify whether historic barriers to access have been eradicated or minimized by the digital platform. Based on the study of deaf and hard-of-hearing audience members that we present here, we argue that problems with accessibility have persisted through the switch to DTV, and further work in policy and education needs to be done to utilize the digital platform to improve services for this audience.

DTV AS AFFORDABLE TECHNOLOGY: THE IMPORTANCE OF TELEVISION SUBTITLING AND THE TECHNOLOGICAL PLATFORM

The importance of television viewing itself is, foundationally, important to consider because various academic researchers have found that visual media (especially television) can alleviate the frustration and social exclusion in physical, mental and social domains for the deaf and hard-of-hearing community (Austin 1980; Austin and Myers 1984). Uncorrected or unaided hearing loss gives rise to poorer quality of life that is related to isolation, reduced social activity, and increased prevalence of symptoms of depression

(Arlinger 2003). Inclusivity for deaf and hard-of-hearing audiences in mass media broadcasts is therefore critical for social inclusivity, psychological well-being and quality of life. Chia et al. (2007) reiterated an association between hearing impairment and health-related quality of life in an older population. Age and aging in this population is of critical salience; the deaf and hard-of-hearing audience is skewed in age profile towards older people, and following Van Dijk (2005) the notion of the 'digital divide' has a role to play in this research. 'Digital divide' refers to the exclusion of older persons from the use of digital media as a factor of familiarity, socialization and access. As inclusivity with regard to media provision is critical to quality of life, and as an initial research question (RQ1) in this article, the data will be used to assess *if television is used more by older deaf and hard-of-hearing audiences than younger people of the same group.* This question identifies the importance of television to this audience group, accounting for fragmentation and competition from other platforms.

It is important to understand what affordances offered by television are essential in allowing deaf and hard-of-hearing viewers to participate as an audience. While television may be a critical tool in including deaf and hard-of-hearing people in everyday life, the obvious barriers to inclusivity have detrimental effects on the use of the medium. Sancho-Aldridge and Davis (1993) investigated the impact of hearing impairment on television viewing in the United Kingdom. Hard-of-hearing viewers were found to report much greater difficulty watching programmes (mean difficulty rating = 32 per cent) than elderly viewers with no reported hearing difficulty (mean difficulty rating = 10 per cent), or those viewers generally who said they had no hearing problems (mean difficulty rating = 3 per cent). Using a similarly constructed rating for reported enjoyment of different television programmes, hard-of-hearing viewers were found to exhibit a small reduction in enjoyment across the majority of programme types. Slater et al. (2010) identify that innovative applications of DTV will be a key enabler for people with disabilities, such as increased and improved subtitling.

The technological possibilities of DTV for subtitling

Technological facilitation has the potential to realize benefits like those advocated by Jensema et al. (2000), who assessed the time spent viewing subtitles on television programmes. Data tracking eye movement in television viewing was analysed to determine the percentage of time each subject actually looked at the captions on the screen. It was found that subjects gazed at the subtitles 84 per cent of the time, at the video picture 14 per cent of the time and off the video 2 per cent of the time. Age, sex and educational level appeared to have little influence on time spent viewing captions. If the experience of watching television with subtitling is an experience dominated by the subtitle rather than the image, possible innovations in DTV with individual settings and preferences could provide an individually tailored subtitling experience for viewers. Burnham et al. (2008) assessed the roles of subtitle rate and text reduction as factors that appear to affect the comprehension of subtitles by people who are deaf or hard-of-hearing. Reading level emerges as a dominant factor: more proficient readers show better comprehension than poor readers and are better able to benefit from caption rate and, to some extent, text reduction modifications. Fixed or universal subtitling may not be beneficial as a means to increase accessibility of television programmes, and the possibility

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of customized captioning services via DTV may improve the accessibility of television across more of the deaf and hard-of-hearing audience than current services.

Erber and Leigh (2008) support these findings with research into child audiences. Children with impaired hearing (and delayed language development) may not be able to read at a sufficient rate or with sufficient comprehension to understand subtitled film or television dialogue – unless it is specifically tailored to their needs. Tyler et al. (2009) reiterated these findings in investigating the effect of subtitle rate on the comprehension of educational television programmes by deaf school students. The rate of subtitle delivery affected the comprehension of educational programmes by both better- and poorer-reading deaf school children. The research undertaken here will look at subtitling as a critical application of technology within the medium, assessing the following research question (RQ2) with regard to the universality of the importance of subtitling as opposed to the age-specific importance it may have with regard to the age-skewed deaf and hard-of-hearing audience: *is subtitling the most important technological affordance available to deaf and hard-of-hearing people when watching television, and is this proportional to the age of the audience?*

The use of subtitling is not only a matter of preference, but also statutory concern in the United Kingdom. The Communications Act (2003) requires a target of 80 per cent subtitled programmes for major television stations (BBC, ITV, etc.) but does not make any recommendations beyond the macro-level insistence on provision of service. Ofcom (2006) set out guidelines for the provision of services for deaf and hard-of-hearing audiences with regard to subtitling television programmes. The report addresses quality at the micro level, stating that the aim should be to synchronize speech and subtitling as closely as possible. Subtitle appearance should coincide with speech onset, and disappearance should coincide roughly with the end of the corresponding speech segment. In live programmes, the aim should be to keep the inevitable delay in subtitle presentation to the minimum (no more than three seconds) consistent with accurate presentation of what is being said. If possible, subtitles should not over-run shot changes and should commence on a shot change when synchronous with the start of speech (Ofcom 2006). From a statutory perspective, a high quantity of subtitling is expected to be a given, but a high quality of subtitling on programmes is subject to guideline advice. This is despite research reported earlier that argues that subtitle users need to be able both to watch what is going on and to read the subtitles, so it is important that these are as accurate as possible so that viewers do not need to guess what is meant by an inaccurate subtitle. Jellinick (2011) states that the U.K. government is currently involved in a re-examination of rules and regulations for television subtitles and audio-description with the development of new interactive television (iTV) services such as YouView. The research in this article will implicitly assess the impact of the Ofcom guidance through the perceptions of the deaf and hard-of-hearing audience on subtitle quality.

Despite the needs of viewers for quality subtitling, the provision extensions afforded by DTV have not been assessed favourably. The research done by both de Castro et al. (2011) and Rander and Looms (2010) assessed real-time subtitle synchronization in live television programmes. In live subtitling environments, the audio transcription process will deliver the corresponding subtitles several seconds after the speech fragment has been received. The disturbing effect of the resulting lack of synchronism is still a challenging issue

in the accessibility to live multimedia and causes dissatisfaction among audiences. A more recent Ofcom (2014b) report reviewing live subtitling quality reveals problems of latency, inaccuracy, poor presentation, and other issues associated with the provision of live subtitling. The subtitle provider for the BBC, Channel 4 and Sky is enhancing the software that respeakers and stenographers use and the BBC has also been searching for suitable technologies in addressing such issues (Ofcom 2014b). Apart from the augmented technological solution provided, it also suggests local buffering for video and audio streams in personal video recorders in order to re-synchronize the subtitles and the video/audio to which they refer, achievable using DTV (Rander and Looms 2010); or a slightly-delayed online streaming of a channel, in which the subtitling provided on the live version is automatically reformatted in blocks to synchronize the visual components (Ofcom 2014b).

Subtitling has been identified as a key technological affordance in the use of television by deaf and hard-of-hearing audiences. Following the switch to DTV in the United Kingdom, the digital platform (with its increased ability for affordances with regard to personalization of subtitling and improved visual performance) should effect a positive change in quality of subtitles. The third research question posed here (RQ3) again probes the universality of this issue: *are difficulties reported with subtitling on digital television related to the age of the deaf or hard-of-hearing audience member?*

The possibilities and accessibility of DTV as an interactive media technology

There are also potential issues with the technology – the set-top boxes (STBs), the receiver, the interface or the service – itself that could affect the use of television for this audience post-switchover that derive from the technological complexity that emerges from increased affordance. Maad (2003) argued that research and development in the area of pervasive technologies and in particular iTV has not delivered the aimed objectives of improving accessibility. This was attributed to several factors, including the limitation of the prevalent paradigms of interaction with DTV, the limitation of the DTV technology and the lack of the development of truly interactive and universally accessible multimodal iTV content. Gill and Perera (2003) argue that when universal design is not applied to a developing technology such as DTV, it is possible that significant numbers of people will be excluded from accessing or easily using it. Cavender and Ladner (2008) argue that universal solutions (e.g. uniform adoption of DTV) to the issues surrounding inclusivity for deaf and hard-of-hearing audiences are not appropriate – there is a considerable variation in the severity and nature of the disability, and technological solutions must be both diverse and accommodating to address this reality of the disability.

The inclusivity of DTV STBs was explicitly addressed by Keates and Clarkson (2004). This U.K.-based research focussed on the 2004 generation of STBs that provide 'free-to-view' services. Young users were found to experience little difficulty in using the STBs regardless of the extent of their impairment, most probably because of wide experience with high-technology products, whereas older people had the most difficulty. The researchers argued that manufacturers should be encouraged to look beyond the stereotypes of young, severely, impaired people when considering who may have difficulty using their STBs and to also consider the needs of older adults and

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those who may not be familiar with the interaction paradigms used (including deaf and hard-of-hearing users in the older population). The DTV4all (2011) Joint Recommendations for Future Access Services, Devices and Platforms report argues that all future DTV projects should have feedback mechanisms for any user action or input (e.g. through vibration, sounds, speech) to create a customizable and learnable interface for all users to address these concerns.

In a similar vein, Keith and Whitney (2011) argue that the use of the design for all philosophy at all stages of the process of specification, design and management of information and communication technology systems and products fosters an understanding of user diversity and supports the quality of life of older and disabled people. The design of DTV systems and technology falls within this design remit. Cruickshank et al. (2007) echo this, identifying DTV as having the potential to revolutionize the way we consume broadcast media, but identifying that users still find both the notion of DTV and the services currently available problematic in terms of interface, difference from previous services and perceived complexity. Bhachu (2011) summarizes many of the technological issues in DTV, stating that it is full of interactive content that was not previously available through analogue television. However, the interactive content can be complex to use, which in turn creates obstacles for users, and in particular older adults, to access this content. The additional functionality brings with it an increase in complexity and an increase in the physical and mental demands put on the user to operate these functions. This is at a time where the older population is growing throughout modern-day society, and because of age-related decline of physical and mental attributes, this group in particular will find DTV a challenge to use. There is consequently a need to make DTV interactive content more accessible to older adults.

In the UK, Ofcom (2004) commissioned research into supporting the most vulnerable consumers, including deaf and hard-of-hearing audiences, through digital switchover. The key finding from this analysis of the digital adoption process was that those who are likely to find the switch to DTV most difficult are people who have nobody to whom they can turn to for support. That is, digital switchover presents the biggest challenges for those who are socially isolated – people who will have difficulty in finding out about switchover, in understanding what it means and hence who are unable to take effective steps to deal with it. People without an adequate network of support from friends, family, neighbours or carers will therefore be particularly vulnerable. Given the previous research, deaf and hard-of-hearing individuals were particularly likely to be part of this group.

Despite these concerns, Carmichael et al. (2005) identified that the switchover to DTV would bring about an expansion of entertainment and information services available via television and in doing so fundamentally change traditional concepts of household viewing. The researchers argued that from a U.K. perspective, the technological infrastructure of DTV has the potential to foster the social inclusion of vulnerable groups, such as disabled and elderly people, by improving their ability to receive enhanced access to content and other services available via this expanding medium. Yet, despite encouragement from a variety of stakeholders including Ofcom that recognizes this opportunity, a significant risk of increasing their marginalization and disfranchisement was identified. This is partly due to the fact that DTV equipment is inherently more complex to operate than analogue, but more importantly steps have not been taken to ensure that consideration is given to the wide diversity of abilities within the viewing population for the design of DTV equipment

1. The quantitative questions measured facts (e.g. demographics), preferences (e.g. digital television over analogue television) and behaviour (e.g. hours spent in watching television) in the format of nominal or ordinal questions. The qualitative questions measured attitudes (e.g. suggestions to the public broadcasters regarding improving service). The questionnaire was available in English and Welsh, enabling respondents to respond in their preferred language. The questionnaire was available in hard copy as well as via the Swansea University website. A freepost envelope was provided to ensure questionnaires could be returned easily and efficiently.

2. A total of 339 questionnaires were returned, with 240 valid answers and 99 incomplete, giving a 26.6 per cent response rate. Among the valid questionnaires, 15 responses were completed online and 225 were from a paper-based survey. Among the 99 incomplete questionnaires, 26 were online and 73 from paper copies. All responses were entered into an Excel spreadsheet for quantitative analysis. Percentages in the tables presented in the report may not equal 100 per cent due to respondents selecting multiple answers. For data validation reasons, incomplete surveys are not included in the quantitative analysis.

and services. While the move to digital switchover increases content and introduces interactive services available through the television, key aspects of usability and accessibility had been overlooked by those responsible for encouraging this new infrastructure's inclusive development.

Such disconnections between affordance and use resonate with Goggin and Newell's (2007) identification of a paradox in disability and inclusive information technology. Given that there is now greater knowledge about disability and design, the inability to develop accessible and inclusive technology becomes a key question, specifically, whether it is because inclusive technology is not profitable, and unattractive for businesses and unsustainable as an industry. The power relations of disability and the crucial role played by disability's cultural and social constitution are critical to this consideration; inclusivity and accessibility (especially in the context of switchover) must be considered in the light of the wider economic issues concerning switchover.

Carey (2005) offers a short summary of what needs to be done to enhance accessibility using digital media. First, there needs to be a concentration on digital data design and creation to see that it accords with basic rules and accessibility principles. Second, programmable user interfaces require development to enable individualized accessibility needs to be met. Third, cable-free user interfaces, such as screens and keyboards, can be used to provide an optimal user environment. Finally, data provision systems that respond to user behaviour can be used to increase the tailoring of services to specific users. Carey argues that these proposed solutions are all affordable technological innovations that can be used, rather than having uniform operating systems and environments. As DTV is both a broadcast and digital platform, the effect of its implementation can be gauged against these concerns. The final research question (RQ4) will assess the use of further interactive features provided by DTV: *is there an age difference in the use of interactive features on DTV platforms?* In doing this, there are a number of issues that can be assessed: the levels of support offered to vulnerable audience members in using a critical technology for social inclusion, the awareness of the services provided and whether a digital divide in the use of digital communications has been partially bridged through the introduction of DTV.

FINDINGS OF THE DTV AND DEAF AND HARD-OF-HEARING AUDIENCES IN WALES STUDY

The aim of this research was to identify the patterns of DTV adoption and usage within the deaf and hard-of-hearing audience in Wales and evaluate the current status of DTV accessibility after the switchover. We focus on one particular vulnerable social group, the deaf and hard-of-hearing community in Wales, evaluating the enabling and disabling effects of DTV.

An easy-to-follow questionnaire was developed following this pilot study. The questionnaire was designed to extract both quantitative data and qualitative data from respondents.[1] The questionnaire consisted of four sections investigating the following areas: (1) demographics, (2) media usage: preference and accessibility, (3) DTV usage: preference and accessibility and (4) suggestions on improving DTV service. A total of 900 paper copies of questionnaires were distributed and disseminated to target audiences who are deaf or hard-of-hearing across Wales, along with information on completing the survey online if the participant preferred this method, and this resulted in 240 complete questionnaires returned.[2]

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Age distribution of survey respondents
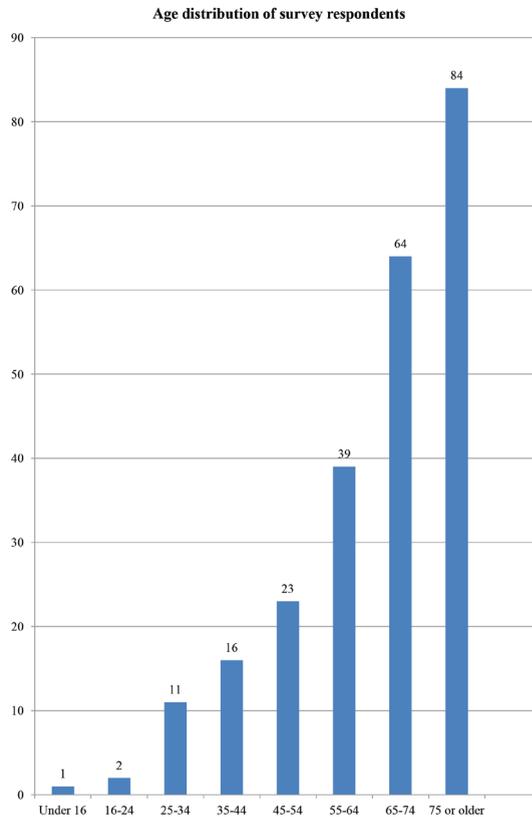
Figure 1: Graphical summary of age distribution of participants.

Demographics of the sample of participants

Figure 1 indicates that there is a skewed distribution of ages of participants in the survey, with 62 per cent of the sample population over the age of 65 years, reflecting the fact that hearing loss affects senior citizens more often. This is to be expected given that the sampling was of persons specifically identified as having a difficulty with hearing, which is more prevalent in older people in the general population. This is in accordance with the Action on Hearing Loss (2011) figure showing that 65 per cent of people with hearing loss are of retirement age.

With regard to degree of hearing loss, respondents were allowed to respond to as many options as appropriate regarding their deafness and hearing loss (Table 1).

The key findings were that most respondents, over two-thirds (68 per cent), have digital hearing aids and a further 8 per cent of the respondents wear other types of hearing aids; nearly half of the respondents (48 per cent) identified themselves as hard-of-hearing and one-third as deaf (33 per cent); 8 per cent of respondents reported using BSL and a further 3 per cent of respondents use SSE, which indicates that questions around the use of BSL and BSL-signed programmes would be answered by few of the respondents in the survey.

Degree of hearing loss	The number of respondents	Percentage
Wear digital hearing aid	162	68
Hard-of-hearing	116	48
Have tinnitus	100	42
Deaf	80	33
Lip read	73	30
Have balance problems	40	17
Have Ménière's disease	20	8
Use British Sign Language (BSL)	20	8
Wear hearing aid, not sure if digital	16	7
Have cochlear implant	14	6
Deafened	12	5
Use Sign Supported English (SSE)	7	3
Wear non-digital hearing aid	2	1
Wear a bone-anchored hearing aid	1	0.5

Table 1: Degree of hearing loss.

Results on the Research Questions

Research question 1: *is television used more by older deaf and hard-of-hearing audiences or younger people of the same group?*

The reported data on time spent watching television per day shows that television plays a central role in informing, educating and entertaining deaf and hard-of-hearing audiences in Wales, with 96 per cent of the respondents watching more than one hour of television every day. More than half of the respondents (58 per cent) watch two to five hours television per day. One-third of the respondents (33 per cent) watch more than four hours of television per day (Figure 2). The average hard-of-hearing audience watches 3.39 hours television per day. This figure is largely compatible with the Broadcasters Audience Research Board statistics from the same period (August 2013). These statistics suggest that the average U.K. audience spends 24.49 hours per week watching television, that is 3.49 hours per day watching television (Broadcasters Audience Research Board 2013).

A chi-square test of independence was performed to examine the relation between age and hours spent watching television. The relation between these variables was not found to be significant, X^2 (56, $N = 240$) = 56.58, p (0.443) > 0.05. Older people did not use DTV significantly more than younger people in the sample group, indicating that DTV has an important role to play (given the daily amount of television watched) in the lives of all of the audience members sampled.

Research question 2: *is subtitling the most important technological affordance available to deaf and hard-of-hearing people when watching television, and is this proportional to the age of the audience?*

An important subset of the data was on the comparison of subtitles and BSL in facilitating television viewing as the data illustrates the critical importance of subtitling to the audience.

Hours spent watching TV per day
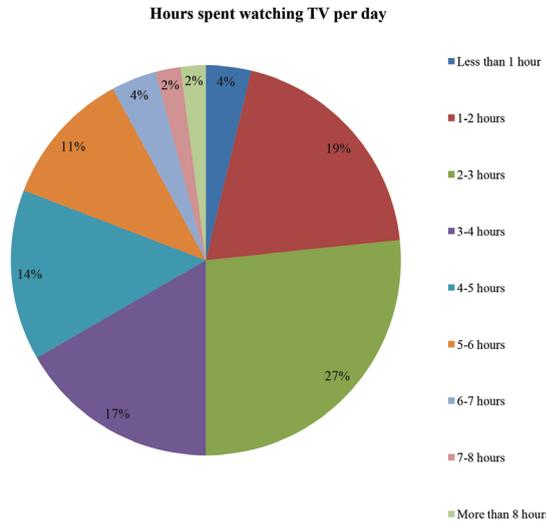
Figure 2: Television Viewing Pattern: Hours spent on watching television daily.

Comparing the data on the use of subtitles and the use of BSL, we found that subtitles are the most popular solution to hearing difficulties when watching television. These findings reflect the fact that subtitling is much more prevalent, with the main broadcasters (BBC, ITV, Channel 4 and Five) all subtitling upwards of 80 per cent of their content, while BSL programmes are confined to off-peak hours; 89 per cent of respondents reported using subtitles at some point and 54 per cent all the time to watch television (Figure 3).

Frequency of using subtitles or BSL in television viewing
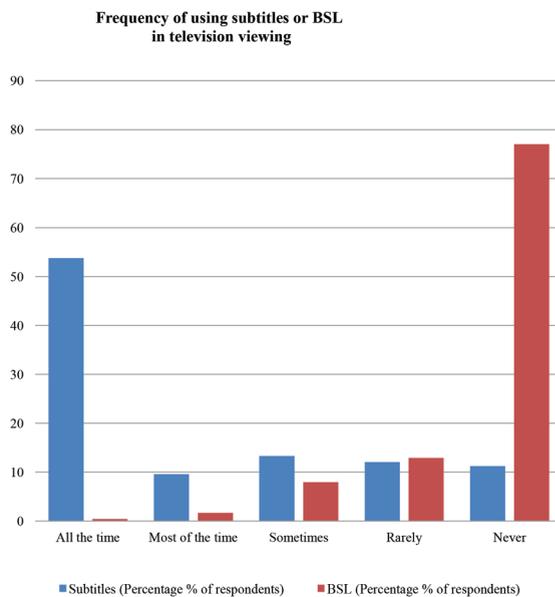
Figure 3: Frequency of using subtitles or BSL in television viewing.

Perceived benefits of DTV	Number of respondents	Percentage
Better picture quality	148	62
Better range and quality of programmes	115	48
Better sound quality	98	41
Better subtitling options	84	35
Better quality of subtitles	78	33
Other	13	5
Better sign language availability	5	2

Table 2: Perceived benefits of switching to digital television by respondents.

The focus in this research question on the use of subtitles and perceived difficulties in their usage is therefore particularly relevant. The vast majority of respondents do not use BSL programming frequently, and only 24 reported using BSL programming more than rarely (10 per cent).

A chi-square test of independence was performed to examine the relation between age and use of subtitles. The relation between these variables was not found to be significant, X^2 (28, N = 240) = 35.65, p (0.152) > 0.05. Older people do not use subtitles significantly more than younger people in the sample group, indicating that subtitles are critically important as an accessibility technology to the majority of the audience members sampled.

In general, respondents enjoy the better picture quality, variety of programmes and better sound quality available on DTV since the digital switchover completed in Wales; 62.5 per cent of the respondents believe that DTV provides a better service than the old analogue television (Table 2).

The improvement of subtitling and subtitling options is important (35 per cent and 33 per cent, respectively). To test whether this is also related to the age of the participants, chi-square tests of independence were used. The relation between age and having the opinion that DTV offered better subtitling options was not found to be significant, X^2 (7, N = 240) = 13.03, p (0.071) > 0.05. The relation between age and having the opinion that DTV offered better quality of subtitling was also not found to be significant, X^2 (7, N = 240) = 8.84, p (0.265) > 0.05. Older people did not significantly assess subtitle quality as improved compared to younger people in the sample. This finding again emphasizes the universality in subtitling for the experience of DTV.

Research question 3: *are difficulties reported with subtitling on DTV related to the age of the deaf or hard-of-hearing audience member?*

The improvement in subtitling noted earlier does sit in contrast with the reported difficulties of using DTV (Table 3).

More than half of the respondents reported difficulties in the delayed subtitles, missing subtitles, misspelling on subtitles and difficulties hearing speech. Inappropriate linguistic choices in subtitles (45 per cent), background noise (43 per cent) and poor subtitles during live broadcasts (42 per cent) all indicate that for this demographic (that use subtitles often) the service provided is often perceived as less than adequate. As stated earlier, the Communications Act (2003) ensures the provision of subtitles, but the quality of subtitles is

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Reported difficulties of using DTV	Number of respondents	Percentage
Delay on subtitles	148	62
Subtitles missing	140	58
Difficult to hear speech	125	52
Misspelling on subtitles	121	50
Subtitles use wrong words/inappropriate words	108	45
Background noise	104	43
Poor-quality subtitles during live broadcast	101	42
Subtitles moving too quickly	66	28
Poor sound quality	54	23
Other	46	19
Sparse subtitles	39	16
Cannot follow subtitles	17	7
Cannot get subtitles to work	15	6
Not enough sign language availability	15	6
Cannot access subtitles due to low signal strength	13	5
Sign language programmes at inconvenient times	10	4
Size of subtitles too small	10	4

Table 3: Reported difficulties of using digital television.

subject to guidance, not statute; these figures indicate that the quality of subtitles is a major issue post-digital switchover.

To assess whether the issues identified with subtitling here are subject to age effects, again a series of chi-square tests of independence were performed with factors that were identified as being very important in difficulties in watching DTV, that is those factors identified by more than 30 per cent of the sample (Table 4).

With the exception of reported problems with sparse subtitling, significant differences were not found across age groups with regard to problems with subtitling. This finding again emphasizes the universality in subtitling for the experience of DTV.

Another key issue from the results is sound quality. Chi-square tests of independence were performed to examine the relations between age and difficulties in hearing speech, reported difficulties with background noise and poor sound quality. The relation between age and difficulty in hearing speech was found to be significant, X^2 (7, N = 240) = 24.10, p (0.001) < 0.05. The relation between age and difficulty with background noise was found to be significant, X^2 (7, N = 240) = 20.08, p (0.005) < 0.05. The relation between age and reported poor sound quality was found to not be significant, X^2 (7, N = 240) = 4.92, p (0.669) > 0.05. These findings are significant as they illustrate that while subtitle difficulties are relatively universal across the sample, there are clear age differences with auditory issues. In particular, hearing

Leighton Evans | Yan Wu | Elain Price

Issue with subtitling identified in relation to age	Degrees of freedom and number of participants	Chi-square value	Significance
Perceived delay of subtitles	7; 240	9.40	p (0.225) > 0.05
Reporting subtitles to be missing	7; 240	6.60	p (0.471) > 0.05
Reporting misspelling of subtitles	7; 240	5.667	p (0.579) > 0.05
Subtitles having wrong or inappropriate words	7; 240	8.89	p (0.261) > 0.05
Reporting poor quality of subtitles in live broadcasts	7; 240	9.11	p (0.245) > 0.05
Subtitles moving too quickly	7; 240	6.60	p (0.471) > 0.05
Reporting sparse subtitles	7; 240	20.85	p (0.004) < 0.05

Table 4: Results of chi-square tests of independence with regard to the relation between age and subtitling difficulties.

speech is significantly related to age. While these findings may be expected with regard to the sample group, the finding that older people report significantly greater problems with speech and background noise is important with regard to the composition and editing of programmes and their accessibility.

Research question 4: *is there an age difference in the use of interactive features on DTV platforms?*

In assessing the possible existence of a digital divide between older and younger users of DTV, a platform-specific analysis of the technological methods used to watch television can give some initial scope to the question (Table 5).

Overwhelmingly, respondents used a dedicated television set that receives digital broadcasts to watch television (96 per cent). Although online services and digital recording are used increasingly, they are not yet as popular as broadcast television.

Worth noting here is also the growing popularity of the Internet broadcasting service and software application iPlayer and Clic developed by the BBC and S4C. Almost one-third of the respondents use these services. These digital platforms enable viewers to watch live television or catch up, as well as enable viewers to watch television via various digital devices such as an iPad. Deaf and hard-of-hearing audiences are part of the trend in which the traditional pattern of television viewing as a communal activity among family members is evolving into a more personalized viewing experience.

Although the general awareness of video-on-demand (VoD) services and 'red button' for extra information is stronger, it seems that only a small proportion of respondents actually used these services regularly (8 per cent and 14 per cent, respectively) (Figure 4).

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Technology used to watch television	The number of respondents	Percentage
Television – on air	231	96
Television – watch again via iPlayer and Clic	79	33
Television – watch again via on-demand services such as Virgin On Demand and YouView	33	14
Television – recorded programmes stored on a PVR, hard disk recorded or DVD	99	41
Television – via service such as Netflix or LoveFilm	13	5
Television – via social media such as YouTube	16	7

Table 5: Technology used in watching television.
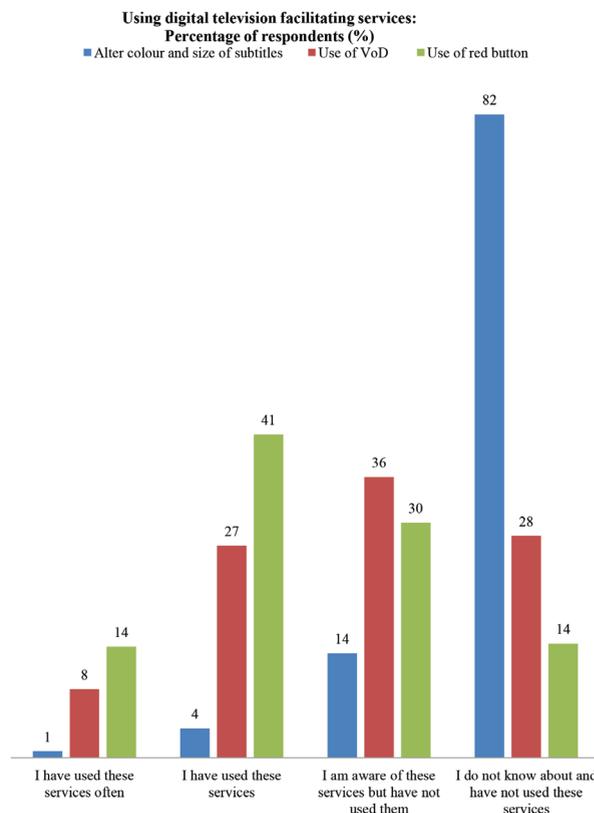
Figure 4: Using digital television facilitating services: A comparison of the use of service to alter colour and size of subtitles (available on a small number of television sets), the use of VoD and the use of red button.

Use of interactive service on DTV related to age	Degrees of freedom and number of participants	Chi-square value	Significance
Alter colour and size of subtitles	28; 240	44.958	p (0.022) < 0.05
Use of VoD	21; 240	77.87	p (0.000) < 0.05
Use of red button	14; 240	51.80	p (0.000) < 0.05

Table 6: Results of chi-square tests of independence with regard to the relation between age and use of interactive services.

To assess whether the use of interactive services on DTV is subject to age effects, again a series of chi-square tests of independence were performed (Table 6).

These results show that there are significant differences in the knowledge and use of interactive services provided by DTV. With regard to changing subtitles, use and awareness is low for all groups but there is a significant age effect with regard to knowledge despite this low uptake. With regard to VoD and red button (interactive) services, there are significant differences in both knowledge and use of these services, offering a clear illustration of the digital divide between users of DTV who are deaf or hard-of-hearing.

CONCLUSIONS

Broadcast television occupies a central position in the media consumption of this community, with 96 per cent of respondents using the medium and more than half of the respondents (57 per cent) watching two to five hours of television per day. Public broadcasters (especially the BBC) are regarded as the major sources of information. This study has established that subtitles are the most important facilitating tool for deaf and hard-of-hearing audiences in their reception of television messages. Common problems associated with sound quality and subtitles affect all members of the deaf and hard-of-hearing audience. A significant amount of this sample relies on digital hearing aids (68 per cent) and also lip reading (about one-third), and so the demand for better sound quality and a better subtitling service is acute. The universality of problems with subtitles is particularly an issue, as the dependence on this service is so widespread and there are a number of statutory guidelines on subtitling that emphasize the importance of accuracy in this service. Yet this research can conclude not only that issues with subtitling remain a considerable barrier to television use for the deaf and hard-of-hearing audience, but also that this barrier transcends notions of a 'digital divide' and affects the viewing experience across the audience irrespective of age. Familiarity with digital technology and interactive services does not mediate the effect of this fundamental barrier to accessing the basic services of television.

While this research has identified a number of barriers facing people who are deaf and hard-of-hearing in accessing information, education and entertainment via DTV, most significantly there is a major divide between older and younger members of this sample on both knowledge and use of interactive services. The affordances of DTV to make television more accessible to the deaf and hard-of-hearing audience are present but are not currently sufficiently utilized to bridge the gap between audience and content. This, it can be concluded, means that the advantages of access to television summarized in

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this article are not being efficiently met through the current platform. Training and education programmes on the under-utilized services on the DTV platform could help narrow this gap, but crucially an improvement of the critical access services is a priority following this research. This finding indicates that there needs to be greater efforts made both to improve information on these services, particularly aimed at older audience members, and to address accessibility of these services for older people. While it is tempting to advocate training as a fix-all solution, the platform itself must play a role in this process. Improving the interface to account for the needs of older people with hearing difficulties, involving older people and advocacy groups to participate in design consultation and implementing a thorough testing and feedback-led development are some of the measures that could assist in reducing this barrier to interactive content, which in itself may improve the viewing experience. The most important finding of this research is through the reliance on subtitling for this group, and the universal nature of issues with quality identified across age groups. While policy and regulatory bodies have clearly dealt with issues around the quantity of subtitles available, the quality of subtitling remains a critical barrier to understanding programming and enjoying television services for deaf and hard-of-hearing audience members. A greater priority for the quality of subtitling provided must be the next focus of policy-makers. In the United Kingdom, this might take the form of greater attention to quality by the regulator (Ofcom), but more innovative and powerful interventions in the form of statutory requirements laid down by government or through extended requirements as part of the BBC charter review might be necessary to ensure improved quality.

Future research may assess gender issues within the barriers to access and may look to extend the research longitudinally across changes in service provision. Differences in DTV platforms may also be significant, and this could be investigated further. A technological study on the production of subtitles may also illustrate the difficulties involved with the provision of this service and could be critical in a discourse with this research on contextualizing the importance of subtitles and understanding how to improve the service. A longitudinal study on the use of interactive services, with an element of public education or training, may also capitalize on these findings and could bring practical benefits from this research.

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REVIEWS

THE MEDIA WELFARE STATE. NORDIC MEDIA IN THE DIGITAL ERA, BY TRINE SYVERTSEN, GUNN ENLI, OLE J. MJØS AND HALLVARD MOE (2014)

Ann Arbor: The University of Michigan Press, 164 pp.,
ISBN 978-0-472-12031-4, paperback, $30

Reviewed by Taisto Hujanen, University of Tampere, Finland

The Media Welfare State is a book by a team of four Norwegian media scholars which contributes to discussion about comparative analysis of media systems. This area of research has raised increased attention since Daniel Hallin's and Paolo Mancini's (2004) book *Comparing Media Systems: Three Models of Media and Politics* (see also Hallin and Mancini 2012). The team behind the *Media Welfare State* acknowledges the importance of Hallin and Mancini for their articulation about Nordic media, but they also emphasise the need to broaden the contexts of media systems analysis from political parallelism to an approach which combines political science with sociology and media studies. The particular regional focus of their analysis makes it also possible to pay more attention to historical roots and continuities of social and cultural development.

Nordic media as the regional focus of the book refers to a group of countries in the northern part of Europe which politically and culturally identify themselves as Nordic Countries. In terms of global geography the region is known as Scandinavia but that includes strictly speaking only three countries, Denmark, Norway and Sweden. The notion of Nordic Countries adds two more countries into the group, namely Finland and Iceland. As pointed out by the authors, the political and cultural history of these five countries is inter-linked in many ways. Since 1952 the Nordic Council has acted as the joint forum of parliaments in the region, and later on (1971) the Nordic Ministerial Council was created to coordinate a number of joint Nordic institutions and a joint cultural budget. Free movement of labour was introduced between

the countries in 1952, clearly earlier than within European Community (the present European Union).

The peculiarity of Nordic countries was noted in Hallin's and Mancini's categorization of media systems, but their characterization of North/Central European democratic corporatist model related the countries with Germany, the Netherlands, Austria, Belgium and Switzerland. The point of the *Media Welfare State* is to argue that by broadening the context of analysis from simple political parallelism to a wider social and cultural history and development one can trace clear similarities between Nordic countries which make them different from other comparative cases. This view is articulated in the book through the idea of the welfare state which is considered central in the identification of the so called Nordic Model. Until the challenge from neoliberalism in the 1980s the construction of the Nordic welfare state was characterized by strong social democratic impact. When linking this development with the characterization of the Nordic media system the authors make reference to Ursula Maier-Rabler's (2008) sketch of four ideal-type 'information cultures': Catholic-feudalistic, Protestant-enlightened, socialist-centralistic and socio-democratic. The authors note that although parts of the Benelux area in Europe are included in Maier-Rabler's characterization of the social democratic state, she allocates the Nordic countries a special place and claims that Scandinavia has the most advanced constitutional framework delineating the free access to information.

The authors motivate their discussion on the *Media Welfare State* by concluding that political and sociological theory and analysis of the Nordic Model has neglected the importance of the media sector in the construction of trust and commonality needed to create and maintain the egalitarian values of the welfare society. The *Media Welfare State* is based, according to the authors, on a combination of reactive and proactive measures which intermediate and balance between welfare principles and practices, and the social forces which continuously threaten them. These threatening forces consist of authoritarianism, marketization, globalization and fragmentation. The continuity of the *Media Welfare State* is based on four key pillars which the authors identify as:

- Vital communication services are understood as *public goods*. In the same way as a key ideal of the Nordic Model is universal social provisions, the *Media Welfare State* is based on *universally available* communication systems;
- A range of measures used to institutionalise *freedom from editorial interference* and *self-governance* in day-to-day operations;
- The presence of an extensive *cultural policy for the media*, modifying the influence of market forces, and countering the strong influx of standardised and global mass culture;
- *Consensual policy-making and compromises* between key stakeholders. The authors refer to the welfare state as 'stateness': a persistent feature in which the relationship between the state and the people is 'a close and positive one'.

(emphasis added)

How much and in what sense one can characterise the present Nordic media model and governance socio-democratic, any more, is an open question. In social and political theory arguments about the change of welfare state to competition state are common. In relation to this debate the authors of

Media Welfare State make an important methodological conclusion of how to analyze and conceptualize the typical discourse about social and media change as crisis. The crisis discourse has popped up continuously since the 1980s especially in relation to public service broadcasting, but in the context of digital media it dominates also the views about the future of printed media. The authors argue on the basis of their analysis of the Nordic media that the crisis discourse overestimates the impact of technological changes. Through their analysis they manage to demonstrate that there is a strong continuity of media welfare state values and practices when negotiating about the relationship between mass media and the new interactive and participatory forms of network communication. As examples of continuity they refer, for example, to importance of universality in broadband solutions and to the strong role of public service broadcasters in visioning and experimenting public service media. They also show evidence from audience and user studies demonstrating that former mass media organizations have managed to maintain trust and credibility among users of digital contents and services.

The book is highly recommended reading for researchers and students interested in media systems analysis in a regional context. It has a lot of potential to encourage imagination about respective cases in other regions in Europe and worldwide. The data of the book rely a lot on international statistics and a number of illuminating case studies from different Nordic countries, first of all Norway. As the authors note, systematic comparative research is missing even in the Nordic region. So hopefully the book contributes creating increased interest to comparative research, also in the Nordic area.

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***CONNECTED VIEWING: SELLING, STREAMING, & SHARING MEDIA IN THE DIGITAL ERA*, EDITED BY JENNIFER HOLT AND KEVIN SANSON (2014)**
New York: Routledge, 265 pp.,
ISBN 978-0-415-81360-0, paperback, $43.95

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The widespread diffusion of mobile devices and the spectacular growth of broadband connectivity has enabled the proliferation of video streaming services that have established themselves as a maturing, yet viable industry. Data provided by analyst Digital TV Research (2015) project a doubling in global video streaming revenues from $26 billion in 2015 to $51.1 billion in 2020 and emphasize the expanding importance of online video in the TV market. Subscription video-on-demand (SVOD) is expected to become the largest revenue source in 2020, overtaking advertising as main pillar of the business model of over-the-top (OTT) video platforms. Moreover, Deloitte (2014) predicts that OTT services, and especially Netflix's expansion to Western Europe, Australia and Latin America, will sustain further growth of this billion-dollar industry. Since Netflix has started producing original series (House of Cards, Orange Is the New Black, Marco Polo etc.) and allows people to consume multiple episodes in one time (i.e. binge-viewing), streaming video challenges conventional understandings of how TV/video content is produced, distributed and consumed.

The popularity of video streaming is only one important indicator of the rise of connected viewing, which relates to a larger trend across the media industries to integrate digital technology with traditional screen media practices and to create a multiplatform, and more interactive, entertainment experience. This book, edited by Jennifer Holt and Kevin Sanson, both affiliated with the University of California, Santa Barbara, focuses on connected viewing as 'a fundamental shift in the digital media ecology, and a cumulative effect of recent technological developments, evolving business strategies and emergent cultural practices' (7). The book, which concludes the *Connected Viewing Initiative* and is part of the wider *Media Industries Project* both held at the Carsey-Wolf Center, illustrates the renewed scholarly attention to media industries and comes on time as it is part of a larger stream of related projects and books about the 'post-broadcast' era (Lotz 2007; Turner and Tay 2009; Gripsrud 2010; Bennet and Strange 2011; Cunningham and Silver 2013; Strangelove 2015).

The edited volume is organized in three parts, focusing on industry structure and strategies (part I), technology and platforms (part II) and content and engagement (part III), each consisting of four chapters. It proposes a broad, multidisciplinary view on emerging modes of TV/video consumption and considers various aspects of connected viewing practices that become fully integrated into the institutional, regulatory and cultural (counter)forces that shape the media industries worldwide. It studies connected viewing from business models and regulatory mechanisms to user engagement and consumption practices. In doing so, the volume avoids a mere focus on technological determinism and emphasizes the mediating role of the sociocultural, economic and regulatory context on the impact of new technology. Moreover,

the book goes beyond the rhetorical space often surrounding new technologies and provides a critical account of connected viewing practices. There is no place for an overly optimistic perspective on new media technology; the role and impact of connected viewing are critically assessed.

Second-screen apps, for example, may provide greater possibilities for viewers to interact and customize the viewing experience, but predominantly serve monitoring and marketing purposes, as Lee and Andrejevic argue in the second chapter. Connected viewing is increasingly marked by an 'on-demand culture', but we may not overlook the persistency and resilience of long-established viewing habits, it is said. Another chapter, by Chuck Tryon and Max Dawson, nuances the underlying assumptions on which the 'Digital Generation hypothesis' (i.e. that generational differences explain differences in viewing practices) is built. They conclude that generational explications alone cannot account for contemporary viewing practices, and contend that viewing habits are strongly shaped by material and social conditions. In a similar vein, Evans and McDonald, in their study of connected viewing in the United Kingdom, conclude that 'it is simply not enough to look at technology or content to draw conclusions about the state of the connected viewing universe' (174). It is often said that when it rains in the United States, it trickles down in Europe. But too frequently, the American experience is assumed to provide a blueprint for the future evolutions in Europe and elsewhere in the world. However, the precise configuration of a 'national TV culture' is the outcome of a complex interplay among a number of specific factors, and only one of these will be technological.

Connected Viewing is a fascinating book, generating fresh insights into the changing digital media ecosystem while rejecting the often-inflated speculation of the social and commercial promises of new media technologies that are often heard echoing throughout start-up scenes such as Silicon Valley. It cannot be denied that digital platforms, new players and innovative business models are reshaping the digital entertainment world, but we also have to acknowledge that this change will be a process of evolution, rather than revolution. Therefore, this book makes an important contribution to the field as it looks at the current developments in the industry from a different perspective.

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Jock Given is Professor of Media and Communications with the Swinburne Institute for Social Research and Associate Editor of the *International Journal of Digital Television*. He previously worked as Director of the Communications Law Centre, Policy Advisor at the Australian Film Commission and Director, Legislation and Industry Economics, Department of Transport and Communications. In recent years, he has published articles in *Telecommunications Policy*, the *Journal of Information Policy*, *Info*, *Media History*, *Business History* and the *Historical Journal of Film Radio and Television*, and edited or co-edited issues of the *Telecommunications Journal of Australia* and *Media International Australia*. His book *Turning off the Television: Broadcasting's Uncertain Future* was published in 2003 by UNSW Press. Jock is currently chief investigator on Australian Research Council funded project about audio-visual fiction distribution and post-war British international telecommunications. His radio documentary *Empire State: Ernest Fisk and the World Wide Wireless* was broadcast on ABC Radio National's Hindsight programme in February 2012.

DARCY GERBARG

Darcy Gerbarg is a senior fellow at the Columbia Institute for Tele-Information (CITI). Since 2007 she works with the advanced media technology non-profit, CineGrid Inc., first as their Executive Director and now as their Director of Operations. She is also a past Executive Director of The Marconi Society Inc. She was editor of *The Economics, Technology and Content of Digital TV* (Kluwer, 1999) and is series editor of *The Economics of Information, Communication and Entertainment: The Impacts of Digital Technology in the 21st Century* (Springer).

TOM EVENS

Tom Evens is Senior Researcher at the Research Group for Media & ICT (iMinds-MICT) at Ghent University, Belgium. He holds Masters Degrees in Communication Sciences and Business Administration, and has a Ph.D. in Communication Sciences (focus on power dynamics between TV broadcasters and platform operators regarding carriage disputes and retransmission fees). He specialises in the economics and policies of digital media markets, and has published widely on the media business in international peer-reviewed journals and edited volumes. Together with Petros Iosifidis (City University London) and Paul Smith (De Montfort University Leicester), Tom is the author of *The Political Economy of Television Sports Rights* (published by Palgrave Macmillan). He also serves as Book Reviews editor with the *International Journal of Digital Television.*

SALLY BROUGHTON MICOVA

Sally Broughton Micova is a lecturer at the School of Politics, Philosophy, Language and Communications Studies at the University of East Anglia. Prior to this she was an LSE Fellow and Deputy Director of the LSE Media Policy Project in the Department of Media and Communications at the London School of Economics and Political Science, where she also completed her Ph.D and remains a visiting fellow. Her research focuses on European media policy, particularly in relation to audio-visual media services and content. Her recent published works deal with the EU and the UK media issues, but primarily with media systems in South East Europe. Prior to coming to academia she spent more than a decade running media related projects in that region, with her last position being that of Head of Media Development and Spokesperson for the OSCE Mission to Skopje.

FORTHCOMING EVENTS

Some diary dates for events of international interest in the coming months

ITU's Radiocommunications Assembly (RA-15)
26–30 October 2015
Geneva, Switzerland
http://www.itu.int/en/ITU-R/conferences/RA/2015/Pages/default.aspx

ITU's World Radiocommunication Conference 2015 (WRC-15)
2–27 November 2015
Geneva, Switzerland
http://www.itu.int/en/ITU-R/conferences/wrc/2015/Pages/default.aspx

Internet Governance Forum
10–13 November 2015
João Pessoa, Brazil
www.igf2015.br

African Media Leaders Forum
11–13 November 2015
Johannesburg, South Africa
http://www.africanmedialeadersforum.org/

Salford International Media Festival
16–18 November
MediaCityUK, Salford, UK
http://salfordmediafestival.co.uk/

Convergence India
20–22 January 2016
Pragati Maidan, New Delhi, India
http://www.convergenceindia.org/

The Media Insights & Engagement Conference "Post-Disruption: Embracing
The New Multi-Platform Media Landscape"
1–3 February 2016
Fort Lauderdale, Florida, USA
http://www.iirusa.com/mediainsights/home.xml

The 2nd World Conference on Media and Mass Communication
21–22 April 2016
Bangkok, Thailand
http://mediaconference.co/2016/

INPUT: Television in the Public Interest Conference
8–12 May 2016
Calgary, Canada
http://input-tv.org/home

NOTES FOR CONTRIBUTORS 2015

The *International Journal of Digital Television (JDTV)* is rooted in a belief in the sociocultural, political and economic importance of digital television and will conceive it as a platform for international and inter-disciplinary approaches that open up new avenues for theoretically driven, historically inclined works that occa-sionally draw on scholarship adapting case studies and comparative analysis. *JDTV* will continue inviting work on the growth of digital terrestrial, cable or satellite TV and broadband distribution as well as subjects such as the future of regional and local TV channels in an all-digital television systems and the use of the 'digital dividend' for additional broadcasting or telecommunications purposes. That said *JDTV* intends to widen its scope and invite contributions that address in a timely way the following:

- 'television after switchover'
- technological, industry and regulatory conver-gence
- audience behaviour, plurality of TV channels and television influence
- the extent to which new media developments and changing media consumption require changes in regulatory philosophy and business practice
- the extent to which globalization, privatization and deregulation alter the creative freedom and public accountability of media enterprises
- whether digital TV actually increases choice and diversity or just offers more of the same and/or recycled programmes
- concentration of media ownership and its effect on pluralism and diversity
- national debates about the role of public service broadcasting in the digital epoch
- comparative analyses of global TV formats
- television for children
- sports programming and televised sports rights.

SUBMISSION DETAILS

Contributions should include original work of a research or developmental nature and/or new ideas, presented in a clear and concise style. They should not be under consideration by any other publication. Major articles should normally be 5000 to 8000 words in length and shorter features and reviews should not normally exceed 3000 words. Major articles are peer-reviewed on an anonymous basis.

Contributions should be submitted electronically as an attachment to an e-mail to the editor, Michael Starks: address m.starks@ntlworld.com and must include meta-data (requirements set out below) to assist the indexing and accessing of the material after publication.

Please try and avoid explanatory footnotes. Sources should be attributed in the Harvard style, i.e. mentioned briefly in brackets in the text (author + year: page) and listed in full under the heading '**References**' at the end of the article as follows: Author surname, Initial (year), *Title in italics*, Place of publication: Publisher. Thus, if the source is page 21 of Hernan Galperin's 2004 book *New Television, Old Politics*, the text reference should be (Galperin 2004: 21) while the full entry at the end should read:

Galperin, H. (2004), *New Television, Old Politics,* Cambridge: Cambridge University Press.

If the source is an article, the format is: Author surname, Initial (year), 'Title in single quotation marks', *Name of journal in italics*, volume number: issue number, page numbers (first and last of entire article). For example,

Iosifidis, P. (2006), 'Digital Switchover in Europe', *The International Communications Gazette,* 68: 3, pp. 249–268.

If the source is, or includes, a website, please add the date at which you accessed it, e.g. OnScreenAsia (2008), *Taiwan in Focus,* 1 April, http://www.onscreenasia.com/print.asp?id=2653. Accessed 25 May 2009.

The journal follows standard British English. Use 'ize' endings instead of 'ise'. Also 'analogue' and 'programme'. Articles should be written in Word, Times New Roman, 12 point. The title of your article should be in bold at the beginning of the file; bold is also used for headings and subheadings which should also be in Times New Roman, 12 point.

QUOTATIONS

Intellect's style for quotations embedded into a para-graph is single quote marks, with double quote marks for a second quotation contained within the first. All long quotations (i.e. over 40 words long) should be 'displayed'– i.e. set into a separate indented paragraph with an addi-tional one-line space above and below, and without quote marks at the beginning or end. Please note that for quotations within the text, the punctuation should follow the bracketed reference. For a displayed quotation the bracketed reference appears after the full stop.

IMAGES

Pictures should be high resolution and are best submit-ted separately, with an indication in the text as to where they should be placed. Each image should normally have a caption.

METADATA

Please be sure to list embedded in your article:
- The Article Title
- The Author's Name and a short-form affiliation (e.g. Jock Given, Swinburne University, Australia)
- An abstract, summarizing the article in 100–150 words
- Five or six Keywords (e.g. digital, analogue, televi-sion, regulation, Japan)
- THEN THE ARTICLE ITSELF, followed by

- Full list of 'References' in the article
- A three sentence author biography

BOOK REVIEWS

Reviews need to contain the full reference for the book under review including the ISBN/ISNN number, number of pages, price and whether hardback or paperback

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